United States Court of Appeals

for the Second Circuit



APPELLANT'S APPENDIX

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74-2221

United States Court of Appeals

For the Second Circuit

B

CHARLES DEFELICE, a minor under the age of 21 years, by his Mother, GERTRUDE DEFELICE, PETER A. DUNN, a minor under the age of 21 years, by his Mother, SUSIE HARRISON, GEORGE IRISH, JR., a minor under the age of 21 years, by his Father, GEORGE J. IRISH, VILMA MORAN, a minor under the age of 21 years, by her Father, PEDRO MORAN, ALFREDO A. RAMOS, a minor under the age of 21 years, by his Mother ALFRIDA RAMOS on behalf of each and on behalf of all others similarly situated,

Plaintiffs-Appellees,

v.

THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, MURRY BERGTRAUM, President of the Board of Education of the City of New York, HARVEY B. SCRIBNER, Chancellor of the Schools of the City of New York, IRVING ANKER, Superintendent of Schools of the City of New York, JACOB ZACK, Assistant Superintendent in Charge of High Schools of the City of New York, and HILLERY C. THORNE, Director of Central Zoning of the Board of Education of the City of New York,

Defendants-Appellants.

On Appeal from the United States District Court for the Eastern District of New York

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APPELLANTS' APPENDIX

VOLUME I OF FOUR VOLUMES

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UNITED STATES COURT OF APPEALS
FILED
DEC 11 1974
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

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DATE	FILINGS—PROCEEDINGS
5- 3-71	Complaint Filed. Summons Issued.
5- 5-71	By Dooling, J.—Order to show cause for injunction ret. 5/7/71 at 4:30 P.M. Filed.
5- 5-71	Affidavit of service of order to show cause filed.
5- 7-71	Summons Returned and Filed/executed.
6-17-71	Notice of Motion for summary judgment ret. 6/21/71 filed.
6-21-71	Before Dooling, J.—Case Called & adj'd to 8/6/71 for hearing on motion for summary judgment.
8- 5-71	Answering affidavit of Mortimer Todel filed.
8- 6-71	Before Dooling, J.—Case Called for hearing on motion for summary judgment—Motion argued —Decision reserved—Papers to be submitted.
4-10-72	By Dooling, J. — Memorandum incorporating Findings of Fact and Order filed. It is Ordered that pltff's motion for a preliminary injunction and defts' motion for summary judgment are denied (copy mailed to attys).
6- 5-72	Before Dooling, J. — Case called — Hearing ordered and begun—Hearing concluded.
6-29-72	Before Dooling, J.—Case called—Pre-trial conference held & cont'd to 7/31/72.
7-31-72	Before Dooling, J.—Case called—2nd conference held & concluded—3rd conference set for 9/27/72 —Stip due 9/15/72—Pre-trial memoranda due 9/22/72.
9-21-72	Stenographer's transcript of 5-5-72 filed.
9-27-72	Answer of deft's filed.

Docket Entries

DATE	FILINGS—PROCEEDINGS
9-27-72	Answer filed.
12-14-72	Pltff's trial memo filed.
12-13-72	Before Dooling, J.—Case called—Trial ordered & begun—Trial contd to 12/14/72.
12-14-72	Before Dooling, J.—Case called—Trial resumed & contd to 12/15/72.
12-15-72	Before Dooling, J.—Case called—Trial resumed & contd to 12/18/72.
12-18-72	Before Dooling, J.—Case called—Trial resumed & contd to 12/19/72.
12-19-72	Before Dooling, J.—Case called—Trial resumed —Parties each move for judgment in their favor —Decision reserved—Parties to submit memoranda—Trial concluded.
5-16-74	By Dooling, J.—Memorandum incorporating findings of fact and order dtd 5-16-74 directing counsel to submit on notice of ten days orders providing for redistricting within 30 days from date of this notice filed (copies mailed to attys).
5-16-74	Stenographer's transcripts dtd Dec. 13, 14, 15, 18, 19, 1972 filed.
5-28-74	Copy of letter dtd. 5-20-74 from Samuel Polatnick to Chairman of schoolboards of Brooklyn & Queens with attached letters from parents to Judge Dooling filed.
5-28-74	Letters from Sal Sinatra, Mr. & Mrs. Noll, Mr. & Mrs. Fraundorfer, Anna Cutrone, and Mrs. Maurina in opposition to plan to integrate Franklin K. Lane filed.

Docket Entries

DATE	FILINGS—PROCEEDINGS
6- 3-74	Letters from Donald Pfeffer, Joseph Gambino, Peter Lubrano, and Edward W. Zeysegg in opposition to plan to integrate Franklin K. Lane filed.
6- 5-74	Letters from Mrs. Sparacino, Mrs. Pirrie, and Mr. & Mrs. A. Ehlich in opposition to plan to integrate Franklin K. Lane filed.
6- 7-74	Letter dtd. 6-4-74 from Mortimer Todel to Judge Dooling filed.
6- 7-74	Letter dtd. 6-4-74 from Mary Ann Smith to Judge Dooling with attached telegrams filed.
6- 7-74	Letter from Mrs. N. Baccino in opposition to integration plan filed.
6- 7-74	Mailgrams from Parents Associations Junior High Schools 93 and 119 in opposition to integration plan filed.
6-11-74	Letter dtd. 6-7-74 from Catherine M. Dattner to Judge Dooling filed.
6-12-74	Letter dtd. 6-10-74 from Mary Whalen to Judge Dooling with attached letters filed.
6-13-74	Letters from Rose Borst, Anthony Volk, Mr. & Mrs. Oleskin, Mary Volk, Harold Schell, Henry Reichert, Edwin Weinmann, Michael Doherty, Mr. & Mrs. Krebs, & Mr. & Mrs. Neidhart in opposition to integration plan filed.
6-13-74	Letter from Liberty Heights Civic Association dtd 6-5-74 with counter proposal for Franklin K. Lane zoning filed.
6-17-74	Folder of petitions and mail received June 14 & 17, 1974 filed.

Docket Entries

DATE	FILINGS—PROCEEDINGS
6-18-74	Letter from Mortimer Todel dtd 6-15-74 re implementation of integration plan for September, 1974 filed.
6-21-74	By Dooling, J.—Order dtd 6-21-74 extending time for submission of final proposals to 7-15-74 filed.
6-21-74	Folder of petitions & mail received June 19, 20, 21, 1974 filed.
6-24-74	Petitions & letters received 6-24-74 & placed in folder (document #52).
6-25-74	Petitions and letters received 6-25-74 placed in folder (document #52).
6-26-74	Petitions and letters received 6-26-74 and 6-27-74 placed in folder (document #52).
6-28-74	Petitions and letters received 6-28-74 filed.
7- 1-74	Petitions and letters received 7-1-74 placed in folder (document #53).
7- 2-74	Petitions and letters received 7-2-74 placed in folder filed.
7- 2-74	Letter from Vito P. Battista dtd 6-27-74 demanding investigation of meeting on 6-24-74 filed.
7- 8-74	Letter from Janet Huet dtd 6-19-74 filed.
7- 8-74	Petitions and letters received July 3 & 8, 1974 placed in folder (document #54).
7- 9-74	Petitions and letters received July 9, 1974 placed in folder (document #54).
7-12-74	Letter dtd. 7-9-74 from Frances Heckerman to Judge Dooling filed.

Docket Entries

DATE	FILINGS—PROCEEDINGS
7-12-74	Petitions and letters received July 10 & 11, 1974 placed in folder (document #54).
7-15-74	Letters & petitions received July 13, 1974 placed in folder (document #54).
7-15-74	Letter from Mortimer Todel dtd 7-11-74 filed.
7-15-74	Letter dtd. 7-13-74 from Robert Farquhar to Judge Dooling filed.
7-15-74	Letter dtd. 7-15-74 from Doron Gopstein to Judge Dooling with attached Franklin K. Lane Zone Proposal and Educational Redesign of Franklin K. Lane High School filed.
7-15-74	Petitions and letters received July 15, 1974 placed in folder & filed.
7-18-74	Before Dooling, J. — Case called. Conference held. Hearing set for 8-2-74 at 9:30 A.M.
7-19-74	Telegram from Clara Jones opposing dejure segregation filed.
7-19-74	Letter from Mortimer Todel dtd 7-19-74 filed.
7-19-74	By Dooling, J.—Order dtd 7-19-74 setting 8-2-74 at 9:30 A.M. for hearing on proposed rezoning filed (p/c to attys).
7-22-74	Letter from Phyllis D. Miller dtd 7-19-74 with petitions placed in folder (document #61).
7-22-74	Letter from Rita Singer dtd 7-16-74 urging rejection of Board of Education plan filed.
7-23-74	Letter from Mortimer Todel dtd 6-18-74 re judgment filed.

Docket Entries

DATE	FILINGS—PROCEEDINGS
7-23-74	Letter from Doron Gopstein dtd 6-14-74 re extension of time to submit proposed plan filed.
7-23-74	Affidavit of Irving Anker in support of request of Board of Education for extension of time to submit plan filed.
7-23-74	Regents' comment on report integration in NYC public schools filed.
7-23-74	Chancellor's report on programs and problems affecting integration of the NYC public schools filed.
7-23-74	Letter dated 7/22/74 filed from C. Ruane to J. Dooling.
7-23-74	Letter dated 7/22/74 filed from M. Angus to J. Dooling.
7-23-74	Letter dated July 22, 1974 filed from Mrs. Booker to Mr. Lewis Orgel.
7-22-74	Letter dtd. 7-22-74 from Bea Kaplan to Lewis Orgel filed.
7-25-74	Letters received 7-24-74 placed in folder (document #61).
7-25-74	Letters from John DeRiso, Edith Cudrone, & Josette Lowenhaupt requesting time to speak on 8-2-74 filed.
7-26-74	Copy of letter from Richard J. Galvani dtd 7-18-74 filed.
7-26-74	Letter from Robert Farquhar of the Franklin K. Lane Adult Education Center dtd 7-20-74 filed.

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DA.	FILINGS—PROCEEDINGS
7-26-74	Letters from Lorraine Tuzzo, Joseph Ciaccio, Lois Hickey, Richard Schaubeck, John J. Gannon and Richard Schaubeck requesting time to speak on August 2, 1974 filed.
7-26-74	Letters received 7-26-74 placed in folder (document #61).
7-29-74	Letter from Paul Kerzner dtd 7-25-74 requesting time to speak on August 2, 1974 filed.
7-29-74	Letters from Rose Winter, Patricia Rackmann, Robert Farquhar, Lawrence G. Alaimo, Roger E. Hennin & August R. Metzler requesting speaking time on August 2, 1974 filed.
7-29-74	Petitions and letters received 7-29-74 placed in folder (document #61).
7-30-74	Request of Vito P. Battista dtd 7/29/74 as speaker filed.
7-30-74	Request of Marie McMahon dtd 7/27/74 as speaker filed.
7-30-74	Request of RJ Galvani as speaker filed.
7-30-74	Request of Phyllis D. Miller as speaker filed.
7-30-74	Request of William R. Luscher as speaker filed.
7-31-74	Letters from Esther Lustig, Eleanor Koelling, Lorraine Pulis, & Jane Giaswald requesting time to speak on 8-2-74 filed.
7-31-74	Letter from Theresa Moser & Andrea DeBergalis filed.
7-31-74	Letter from Joseph P. Addabbo in opposition to present Board of Education plan for rezoning Franklin K. Lane filed.

Docket Entries

DATE	FILINGS—PROCEEDINGS
7-31-74	Letters received 7-31-74 placed in folder (document #61).
8- 1-74	Letters from John T. Flack & Michael R. Long requesting time to Speak August 2, 1974 filed.
8- 1-74	Telegram from Rita Singer requesting speaking time 8-2-74 filed.
8- 2-74	Letter from Rosemary R. Gunning dtd 7-29-74 in opposition to the Board of Education's plan filed.
8- 2-74	Before Dooling, J. — Case called. Hearing ordered and begun. Hearing continued to 8-5-74.
8- 6-74	Telegram requesting speaking time for Patricia G. Merek filed.
8- 6-74	Letter from Vincent Arairi to Judge Dooling re: speaking time filed.
8- 5-74	Before Dooling, J. — Case called — Hearing resumed & concluded—Decision reserved.
8- 8-74	By Dooling, J.—Memorandum & order for judgment concluding that the Board's plan must be approved & adopted with modification etc. filed (p/c to attys).
8- 8-74	By Dooling, J.—Judgment dtd. 8-8-74 that the deft implement Board of Ed Franklin K. Lane Proposal including Implementation Plan A with modification that no new students are to be admitted in school year commencing 9/74 & students will be assigned in accordance with scheme set forth on page 9 of Proposal etc. filed (p/c to attys).
8-12-74	Letter to chambers from Pres. of Holy Name Mens Club filed.

Docket Entries

DATE	FILINGS—PROCEEDINGS
8-12-74	Letter to chambers from F.K. Lane Parents Association filed.
8-14-74	Letter dtd. 8-12-74 from Grace Dauerheim to Judge Dooling filed.
8-15-74	Letter dtd. 8-5-74 from Josette Lowenhaupt to Judge Dooling filed.
8-15-74	Miscellaneous papers received 8-2-15-74 filed.
8-15-74	Memorandum of Brooklyn High School Zoning filed.
8-21-74	Copy of Memorandum and Order for Judgment dated Aug. 8, 1974 filed from Case Number 74-C-502.
8-22-74	Letter dated Aug. 9, 1974 filed from H. Goldstein to J. Dooling.
8-22-74	Letter dtd. 8/19/74 from Bea Kaplan to Judge Dooling filed.
8-27-74	Stenographer's transcript of Aug. 2, 1974 filed.
9- 6-74	Notice of appeal filed. Duplicate mailed to C of A & pltff.
9-16-74	Letter dated Sept. 13, 1974 filed from M. Todel to J. Dooling.
9-16-74	Letter of Rev. James H. Russo to Judge Dooling dtd 8-6-74 re: rezoning of Lane H.S. filed.
9-16-74	Letter of Carl Clemens, Publisher, Ridgewood Times to Judge Dooling dtd 8-8-74 re: Ridgewood Times, with copy of times attached filed.
9-16-74	Letter of Patricia L. Rachmann, President, PTA of PS 63 filed.
9-17-74	Letter of Robert Farquhar dated 9-13-74 filed.

Summons

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NEW YORK

Civil Action File No. 650-397

[SAME TITLE]

To the above named Defendant:

You are hereby summoned and required to serve upon Mortimer Todel, plaintiff's attorney, whose address is 150 East 58th Street, New York, New York 10022, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Lewis Orgel
Clerk of Court.

By James R. Abram
Deputy Clerk.

Date: May 3, 1971

[Seal of Court]

Complaint

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

1. This is a civil action brought under Title 42 U.S.C. §1983 to redress the deprivation, under color of the statutes, ordinances, regulations, customs and uses of the State and City of New York of rights, privileges, and immunities secured to the plaintiffs by the Fourteenth Amendment to the Constitution of the United States. Plaintiffs seek injunctive relief and a declaratory judgment pursuant to Title 42 U.S.C. §1983 and Title 28 U.S.C. §2201 as to plaintiffs' rights and defendants' rights herein. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1343(3).

2. Plaintiffs, Charles DeFelice, 15 years of age, Peter A. Dunn, 16 years of age, Yvette Harrison, 15 years of age, George Irish, Jr., 16 years of age, Vilma Moran, 16 years of age, and Alfredo Ramos, 17 years of age, are students attending Franklin K. Lane High School (hereinafter referred to as "Lane").

3. (a) The Board of Education of the City of New York named as a defendant herein is a corporate body vested with the direction and control of the New York public school system.

(b) Defendant, Murry Bergtraum, is President of the Board of Education of the City of New York.

(c) Defendant, Harvey B. Scribner, is the Chancellor of Schools of the City of New York and is the Chief Executive Officer of the New York City public school system.

(d) Defendant, Irving Anker, is Assistant Chancellor of Schools of the City of New York.

(e) Defendant, Jacob Zack, is Assistant Superintendent in Charge of High Schools of the City of New York.

(f) Defendant, Hillery C. Thorne, is Director of Central Zoning of the Board of Education of the City of New York.

4. This action is brought by and in behalf of each named plaintiff herein and on behalf of all other students and prospective students of a New York City High School, Franklin K. Lane High School under circumstances substantially identical to those surrounding the zoning of Lane High School. The above described plaintiffs and defendants are properly before this Court. The rights to public education in an integrated manner asserted herein are common to all students. The facts surrounding the zoning of Lane High School are substantially identical and the plaintiffs named herein will adequately and fairly represent the interest of the class. The questions involved in this proceeding are those of a common and general interest, the parties numerous and it is impracticable to bring all of them before the Court, therefore, these plaintiffs sue for the benefit of all.

5. For many years the defendants have determined and do now determine the boundaries for various senior high school districts within the City of New York for the benefit and education of the public and particularly the senior high school students residing in said City.

6. Upon information and belief, the defendants and each of them acting with a common plan, design and purpose by aiding, abetting, advising and assisting each other in the establishment and alteration of the boundaries of

senior high school districts in the County of Kings and the County of Queens have adopted, and do practice, racial and ethnic discrimination and segregation by regulation, custom, usage, rules and regulations, and orders and under the color of state law in the operation, management and control of their said senior high school districts facilities and more particularly, Lane High School district, as hereinafter stated.

7. Upon information and belief, for several years defendants and each of them in furtherance and in execution of their common plan, design and purpose within the high school system, have by their regulations, customs and usage, and in execution thereof defaulted in carrying out the educational policy of the State and City of New York and of the nation, namely to eliminate racially segregated education, and in fact, the defendants have created de jure segregation in the Lane High School district as follows:

(a) Lane High School is located on the County line between Kings and Queens Counties and in the distant past Lane had traditionally drawn its student body from both counties.

(b) Lane is considered a Kings County school and draws its students from that county as far away as five or six miles from the school while ten blocks north and east of Lane students are zoned into Queens County districts.

(c) Queens areas contiguous to Lane High School such as Forest Park, Woodhaven, Richmond Hill and Ozone Park are zoned outside of the Lane High School district.

(d) In 1964 the Black and Puerto Rican school population of Lane was approximately 38% and today it is approximately 80%.

(e) High School zones in Queens have a white student population today of from 67% to 86%.

(f) Kings County is divided euphemistically into two tiers, namely the southern tier and the northern tier. The southern tier refers to schools which are primarily white and the northern tier contains schools which are primarily Black and Puerto Rican.

(g) Schools in the southern tier in 1971 have a white student population from 64% to 85%.

(h) Pressure groups and political figures have influenced the defendants to refrain from desegregating Lane High School.

(i) The defendants have failed in their affirmative duty to alter zone lines and draw new lines through counties and county tiers to facilitate the rapid establishment of an integrated school system and more particularly, the Lane High School district.

8. Upon information and belief, that as a result of the de jure segregation of the Lane High School district educational services necessary for the servicing of Lane are insufficient resulting in detriment to the health and education of plaintiffs.

9. Residents of Lane district and contiguous districts at various times have requested and petitioned the defendants to terminate the aforesaid discrimination zoning practices but the defendants have by their regulations, custom and usage failed and refused to terminate and abolish the aforesaid discriminatory practices; that by reason thereof the injury to plaintiffs is continuous, great and irreparable; is calculated to affect and does affect their health, rights and privileges as citizens of the United States.

10. By this suit and proceeding plaintiffs seek to redress the deprivation by defendants herein under color of law and of regulation, custom or usage of plaintiffs' civil rights, privileges and immunities secured to them by the laws of the United States.

Wherefore, plaintiffs pray:

1. That said zoning of Lane High School district as now zoned be adjudicated as void.

2. That, in view of the pressures of community groups and political leaders, the zoning of the Lane High School district be court supervised.

3. That an order to show cause be issued out of order from this Court directed to said defendants, their agents and employees directing them to appear and show cause why a preliminary injunction pendente lite should not be issued until the hearing of this matter.

4. That pending further order of this Court, said defendants and each of them, their agents and employees should be restrained and enjoined temporarily from enforcing or attempting to enforce present zoning of Lane High School district.

5. That the defendants be required to pay counsel fees to plaintiffs' attorneys as deemed proper by the Court, and for such other and further relief as this Court deems just and proper.

Mortimer Todel
Attorney for Plaintiffs
150 East 58th Street
New York, New York 10022
PL 3-7500

Order to Show Cause

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

Upon the complaint and annexed affidavit, it is hereby ordered that the defendants show cause at a Motion Term of this Court, Courtroom No. 8 at the United States Courthouse, 225 Cadmen Plaza East, Brooklyn, New York, at 4:30 o'clock in the afternoon or as soon thereafter as counsel can be heard on the 7th day of May, 1971 why an order should not be made enjoining the defendants from enforcing or attempting to enforce present de jure segregation zoning of Franklin K. Lane High School District and why an order should not be made directing rezoning under Court supervision; and it is further

Ordered, that service of a true copy of this order on the Board of Education of the City of New York on or before the 3 day of May, 1971 at 6:00 p.m. shall be due and sufficient service of this order. Copies shall be served on the individual defendants by ordinary mail deposited before the 3rd day of May at 4:30 p.m. addressed to their place of employment.

Dated: Brooklyn, New York
May 3, 1971.

John F. Dooling
U. S. D. J.

FILED
In Clerk's Office
U. S. District Court E.D. N.Y.
May 5 1971

Affidavit of Mortimer Todel in Support of Order to Show Cause

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

State of New York)
County of New York) ss.:

MORTIMER TODEL, being duly sworn, deposes and says:

I am the attorney for the plaintiffs herein. This action is brought to prevent the Board of Education of the City of New York from continuing the process of creating a ghettoized segregated high school district on the Brooklyn-Queens border and thus thwarting and subverting the mandate of the Board of Regents of the State of New York which requires that, to the extent possible, all school districts be racially balanced to the end that educational opportunities and programs be enhanced for all children within the jurisdiction.

The policy of the Board of Education and the defendants as it has been implemented, has transformed the Franklin K. Lane High School district (hereinafter referred to as "Lane") into an almost totally segregated school to the detriment of the plaintiffs' chances for future advancement and in defiance of officially established city, state and federal policies in the field of education. In addition thereto, the defendants have deprived the plaintiffs herein under color of law and regulation, custom or usage, of their civil rights, privileges and immunities secured to them by the laws and the Fourteenth Amendment of the Constitution of the United States.

Affidavit of Mortimer Todel

The six plaintiffs herein—two Blacks, two Whites and two of Spanish speaking descent—are students at Lane. They are representative of a class of over 4,200 students attending Lane.

The plaintiffs seek a preliminary injunction to enjoin the defendants from enforcing or attempting to enforce present de jure segregated zoning of Lane and plaintiffs seek to have the Court supervise a rezoning of the Lane district.

Lane High School is located right on the county line between Kings and Queens Counties. In fact, the county line runs directly through the principal's office. In the past, Lane has traditionally drawn its student body from both Counties. However, such Queens' areas as Forest Park, Woodhaven, Richmond Hill and Ozone Park which are contiguous to the Lane district, have been zoned outside of Lane. Lane is considered a Kings County school and draws its students from that county as far away as five or six miles from the school, while ten blocks north and east of Lane students are zoned into Queens County districts. This results in high schools in Queens having a white student population in 1971 of from 63% to 86%, according to Ethnic Comparison of Academic High Schools prepared by the Board of Education.

In 1964 the Black and Puerto Rican school population of Lane was approximately 38% and today it is approximately 80%.

Of significance, at the beginning of 1971 the Board of Education in new preliminary plans for zoning of Lane had so zoned it that the Black and Puerto Rican population would have been increased to 85% or 90%. However, upon information and belief, when the Board of Education learned of possible court action, the Board withdrew its plan. This still does not relieve the defendants of their

affirmative duty to zone a school district so that the Constitutional rights of the plaintiffs are not violated.

In words of "art" used by the defendants, Kings County, for school zoning purposes, is divided into a southern tier and a northern tier. The northern tier euphemistically refers to the Black and Puerto Rican areas and the southern tier refers to White areas. In the southern tier the high schools in 1971 have a white school population of from 64% to 85% according to the Board of Education. An example of how this term is used is a letter annexed hereto in which a political leader and assemblyman is thanked for his efforts in keeping northern tier students out of a southern tier high school.

For over seven years the defendants and/or their predecessors have been alerted to the need to remedy the creation of a segregated Lane school. However, it has been to no avail. Under the guidelines set up in the Statement of Policy and Reccomendations by the Regents of the University of the State of New York, decisions as to means of eliminating racial segregation was to be left to local action. The guidelines further state that if the solution is beyond the capabilities of the local school districts or where a district fails or refuses to act, then the responsibility for creative action is clearly and inescapably that of the State. The State of New York financed a study of the Brooklyn schools in 1968, being fully aware of the creation of a segregated school at Lane. In 1969, upon information and belief, a plan for rezoning based on such study was suggested by the defendants. However, as a result of community and political pressures, the defendants withdrew the plan. Upon information and belief, no further action was taken by the State to prevent de jure segregation at Lane.

The defendants have an affirmative duty to alter old zone lines and draw new lines through counties and tiers to facilitate the establishment of a racially balanced dis-

trict, as previously stated, to the end that educational opportunities and programs be enhanced for all students at Lane.

The plaintiffs, under all the past circumstances, can only look to the Federal Court for relief so that the Court can supervise the fashioning of a remedy to de jure segregation at Lane and to assure a school system in which discrimination will be eliminated.

No prior application for the within relief has been made.

Wherefore, it is respectfully requested that a preliminary injunction be granted enjoining the defendants from enforcing or attempting to enforce existing de jure segregation zoning of Lane and to order an immediate hearing towards the end of having the Court supervise a zoning plan.

Mortimer Todel

(Sworn to April 30, 1971.)

Exhibit Annexed to Affidavit of Mortimer Todel

Letter Dated March 22, 1971

(See Opposite ☞)



SAMUEL J. TILDEN HIGH SCHOOL

TILDEN AVENUE AND EAST 37th STREET · BROOKLYN, NEW YORK 11203

JOSEPH S. SHAPIRO, Principal

Telephone: 451-3400

March 22, 1971

Mr. Stanley Steingut
Minority Leader, Assembly of the State Legislature
11 East 44th Street
New York, New York

Dear Mr. Steingut:

All of us at Tilden High School and the entire East Flatbush community deeply appreciate all that you did to assist Tilden High School in the rezoning plans. I know that you understand the particular needs of Tilden High School in terms of its transitional nature and the changes within the community. Helping us to be removed from the cluster of receiving high schools for northern Brooklyn areas was a necessary and vital step. We are indebted to you for your assistance.

Cordially,

Joseph S. Shapiro
Principal

JSS:AL

Notice of Motion for Summary Judgment

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

PLEASE TAKE NOTICE that the undersigned will move this Court, in Courtroom No. 8 on the 21 day of June, 1971, at 9:00 o'clock in the forenoon or as soon thereafter as Counsel can be heard for summary judgment pursuant to Rule 56 (b) of the Federal Rules of Civil Procedure on the ground that there is no genuine issue as to any material fact and that defendants are entitled to a judgment as a matter of law.

This motion is based upon:

a) The affidavit of Irving Anker, Deputy Chancellor of Schools and

b) The affidavit of Jacob Zack, Assistant Superintendent of Schools in charge of the Office of High Schools.

Yours, etc.,

J. LEE RANKIN
Corporation Counsel of
The City of New York
Attorney for Defendants
Office and Post Office Address:
Municipal Building
New York, New York 10007
Telephone No. 566-2506
566-4619

Affidavit of Irving Anker in Support of Motion

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

State of New York)
County of Kings) ss.:

IRVING ANKER, being duly sworn, deposes and says:

1. I am the Deputy Chancellor of Schools for the City School District of the City of New York and one of the defendants herein. Prior thereto I served as Active Superintendent of Schools and Acting Chancellor, from March, 1970, to September, 1970. I submit this affidavit in support of defendants' motion for summary judgment.

2. It is the defendants' belief that public education in a racially homogeneous setting is socially unrealistic and blocks the attainment of the goals of democratic education. Although the extent of school integration in this City is somewhat limited by extensive residential segregation, it is defendants' policy to improve the ethnic balance in its schools whenever feasible.

3. The thrust of the complaint is that the defendants have purposely zoned Franklin K. Lane High School so that it has an unusually high concentration of black and Puerto Rican students rather than a more racially balanced student body and, thus, allegedly created a status of *de jure* segregation. As the following will demonstrate, this complaint is without merit.

4. New York City's population is a highly mobile one. Families, previously static, no longer remain in a single location through their lifetime. In fact, many areas in the City have experienced an almost one hundred per cent turnover in population from one September to the next. The result of this movement has, in many instances, been complete change in the ethnic composition of certain neighborhoods over a short period of time.

5. During the past ten years the "other"* population in the city's academic high schools decreased dramatically, from 83.3 per cent to 55.4 per cent. Notwithstanding this decline, by affirmative action, the defendants have sought to maintain a reasonable racial and ethnic balance in its high schools.

6. Within the past ten years the "other" academic high school student population in Brooklyn was reduced by approximately 18,000. This decrease led to a drop of over thirty per cent of its share of the total high school population. Correspondingly, the black and Puerto Rican population increased by approximately 30,000. A copy of the student population and ethnic statistics for the high schools in Brooklyn, as well as a composite for the entire City, are annexed hereto and made a part hereof, marked Exhibit "I".

7. Brooklyn is divided ethnically into two sections. Northern Brooklyn (Williamsburgh, Brooklyn Heights, Park Slope, Bedford-Stuyvesant, Brownsville) contains a majority of black and Puerto Rican students; whereas Southern Brooklyn (Bay Ridge, Bensonhurst, Sheepshead

* In tabulating ethnic statistics the Board uses the following categories: Negro, Puerto Rican, Other Spanish surnames, Others. This last class includes whites, orientals and American Indians.

Bay, Flatbush, Midwood, Mill Basin, Canarsie) contains a majority of "other" ethnic groups. Such a geographic distribution seriously increases the already difficult task of integrating the schools of that borough.

8. A further complication in achieving a racially balanced system involves maximizing plant utilization. The high schools in Brooklyn are extremely over-crowded and have been for many years. (This factor will be discussed more fully in paragraph 24, *infra.*)

9. In light of the above, for the 1969-70 school year defendants caused a major change in the high school zoning pattern for Brooklyn. Previously, the schools had been zoned in a neighborhood pattern, with some enclaves situated in the northern and predominantly black and Puerto Rican sector, to alleviate serious overcrowding and to provide students living in that area with the opportunity to attend predominantly white high schools in Brooklyn and Queens. A copy of the 1968-69 plan is annexed hereto and made a part hereof marked Exhibit "II".

10. For 1969, the Board established a skip zoning plan which allowed a substantial number of incoming high school students from the North to attend the south Brooklyn High Schools. It established zones in the North of Brooklyn not contiguous to the Southern Brooklyn High Schools. Thus, a student residing in one of those enclaves passes or skips over one or more high schools in order to attend the school which he is zoned for integration and utilization purposes. This was the latest in a series of zoning plans which for years had sent black and Puerto Rican students into schools in white areas so that schools would be integrated. This plan had two goals: (1) to distribute the overcrowding more equally and (2) to improve ethnic balance. A copy

of that plan is annexed hereto and made a part hereof, marked Exhibit "III".

11. In effect, the foregoing plan created two tiers, one consisting of the predominantly black and Puerto Rican area and the other white residential areas. A substantial number of black and Puerto Rican students living in the Northern tier were given the opportunity to attend high schools with an essentially white population in the Southern tier.

12. Excepted from this plan were several transitional schools situated between the white and black areas of Brooklyn. These schools, which were formerly heavily populated by white pupils, reflected the tremendous changes in the neighborhood residential pattern. These schools had reached the stage where they were close to becoming predominantly black and Puerto Rican schools. As these were already racially balanced there was no need to bring in children from outside the neighborhood zone.

13. The legality of the foregoing plan as it affected the students living in Southern Brooklyn was challenged in the New York State Supreme Court and sustained. (See *Katz* v. *Doar,* N.Y.L.J. June 26, 1969, p. 14, [Sup. Kings, Barlow, J.]). A copy of the *Katz* decision is annexed hereto and made a part hereof, marked Exhibit "IV".

14. Aware of the need to annually review school zoning plans with a view towards both utilization and maintaining ethnic balance, defendants instituted for the 1970-71 school year a new zoning plan for the academic high schools situated in Brooklyn. This plan was the result of an intensive two year study funded by the State of New York. A copy of the report of that study containing 1970-71 plan is annexed hereto, made part hereof and marked Exhibit "V".

15. Defendants, in the plan for 1970-71, sought to increase the ethnic balance of the Brooklyn high schools and improve plant utilization by continuing the use of enclaves and enlarging the already extensive option program. To this end the Board made an even greater effort to increase participation in the program by increasing the overutilization in the receiving high schools and using the added space made available to improve the ethnic balance therein.

16. Furthermore, realizing the unique problems encountered in operating Lane, defendants decreased that portion of the school zone located in Brooklyn. That decrease, in conjunction with the option plan, substantially lessened the utilization while contributing to the maintenance of an ethnic balance at Lane. (See accompanying affidavit of Jacob Zack.) Correspondingly, this plan served to improve the ethnic balance at the receiving high schools. (See increase in percentage of black and Puerto Rican students attending Lincoln, Canarsie, Sheepshead Bay, Ft. Hamilton, Roosevelt, Madison, Midwood, Lafayette and New Utrecht High Schools as shown in Exhibit "I".)

17. The academic high schools zoning plan, for 1971-72, which is being attacked here is a result of the board's policy to annually review school zoning plans, and modify them when necessary. The new plan essentially eliminates reliance on enclaves as the major method to promote integration and substitutes, on an unprecedented scale, an option or open admissions plan. A copy of the 1971-72 plan is annexed hereto and made a part hereof, marked Exhibit "VI". This plan provides for increased integration and improved utilization at the high school level. Approximately 2000 pupils will participate in the option plan. A significant number of them will be graduates of Intermediate Schools 55 and 271, situated in Ocean Hill-

Brownsville. These pupils would normally have been zoned into Lane. As a result of the option innovation these students are now able to attend high schools in the south of Brooklyn. A copy of the ethnic and utilization statistics for the Brooklyn high schools, including the loss or gain from open admissions, is annexed hereto and made a part hereof, marked Exhibit "VII".

18. Despite plaintiffs' contentions, in none of the foregoing plans have county lines been held sacrosanct. Plaintiffs argue that Franklin K. Lane High School, situated directly on the Brooklyn-Queens border line, should be zoned as a Queens school. However, the zone for Lane over the past six years has always included a significant area from Queens. Approximately one-quarter of the residential area for the Lane zone is located in Queens. Any changes in the zone for Lane over the past seven years either decreased the area in Brooklyn or increased the area in Queens. Plaintiffs' contention that the Lane zone extends only ten blocks into Queens while it draws students from Kings County "as far away as five or six miles from the school", presumes that schools must be situated in the geographic center of their zones. This view is unrealistic. It prohibits the defendants from creating zone lines that will encourage integration and achieve rational plant utilization.

19. Plaintiffs feel that pupils should be drawn from certain areas contiguous to Lane such as Forest Park, Woodhaven, Richmond Hill and Ozone Park. A study of the areas so enumerated shows that most of Woodhaven is in the Lane zone; the Forest Park section offers only minimal residential area; Richmond Hill has a centrally located high school (Richmond Hill High School); and the Ozone Park student population is needed to maintain the

ethnic balance at John Adams High School. Interestingly, the zone line between Richmond Hill and Lane High Schools is almost equi-distant from the two schools. The zone line between John Adams and Lane High Schools is also relatively equi-distant from the two schools. The area immediately north of Lane is comprised of non-residential property, cemeteries and park land. It is therefore, clear that plaintiffs' contention that the Lane zone has been gerrymandered out of Queens and into Brooklyn for the purpose of making it a minority school is without merit.

20. In addition, many children who live in the Bushwick area of Brooklyn attend Bryant High School in Queens and students in the Bedford-Stuyvesant area skip over Lane in order to attend Richmond Hill High School for integration purposes. Crossing county lines to attend school is by no means unique to Brooklyn and Queens. Several thousand high school students from the Bronx and Manhattan also cross county lines each day to attend classes. Annexed hereto and made a part hereof, marked Exhibit "VIII" are the following maps: Brooklyn High School Zone—September, 1968-June, 1972; Queens High School Zone 1971-72; and Lane High School Zone 1965, 1970 and 1971.

21. Plaintiffs claim that Lane should be treated as a "Queens school" rather than a "Brooklyn school" and thus its racial balance would more closely reflect the Queens population. It is submitted that plaintiffs by this claim, in effect are seeking to achieve a racial balance comparable to those Queens schools which have a racial composition more to their liking.

22. Although it is situated directly on the Brooklyn-Queens border it is not feasible that Lane draw an equal

number of students from both boroughs. The neighborhoods in Brooklyn, contiguous to the school, are comprised of densly populated apartment houses which yield a great number of high school students. On the other hand, the Queens neighborhood contiguous to Lane contain private homes which yield many fewer students. In addition, on information and belief, many of those students of high school age who live in the Queens portion of the Lane zone attend parochial high schools. This further reduces the number of students available to Lane from Queens.

23. Queens has also experienced a substantial change in the ethnic composition of the student bodies of its high schools. Within the past ten years the percentage of white students in its high schools has decreased from 92.4 per cent to 73.1 per cent. Despite the fact that an overwhelming majority of the blacks in Queens live in southeastern part of the borough, defendants have created a zoning plan which provides each high school with a substantial number of minority students. As was stated above, many of these minority students are Brooklyn residents. Any change in the Queens high school zones will, of necessity, upset the balance therein created. A copy of the student population and ethnic statistics for the high schools in Queens is annexed hereto and made a part hereof, marked Exhibit "IX". Also annexed hereto and made a part hereof marked Exhibit "X" is a copy of the 1971-72 description and map of the Queens high school zoning plan.

24. Finally, a comparison for the utilization figures for the high schools in Brooklyn and Queens reveals that the high schools in Brooklyn are more severely overcrowded than the Queens high schools. This makes it imperative that a maximum of classroom space available in or near Brooklyn be used for Brooklyn students. To do

otherwise would further exacerbate an already difficult situation. A copy of the utilization statistics for both boroughs is annexed hereto and made a part hereof, marked Exhibit "X".

25. No zoning plan will be satisfactory to all people. Recently parents of children zoned into South Shore High School protested the subject option plan because the school would become overutilized if it were permitted to continue. In essence, the parents opposed the influx of students from the northern part of Brooklyn. The Board of Education, on April 29, 1971, dismissed the appeal. In so doing the Board stated as follows:

> "It is the decision of the Committee that the zoning directive, as issued by the Office of the Chancellor on March 19, 1971, should be retained.
>
> The schools in Brooklyn are all over-utilized and the method of attempting some ethnic parity is that all schools, including South Shore, will have to share in the plans which the borough as a whole is expected to carry out."

A copy of the decision is annexed hereto and made a part hereof, marked Exhibit "XII".

26. It is respectfully submitted that the foregoing amply demonstrates that the plan was the result of careful consideration and was prompted by worthwhile educational objectives. All children are treated equally and without discrimination. The plaintiffs have no right to insist on a particular educational organization when the change made here is reasonable and necessary to serve the best interest of the pupils and schools system alike.

Irving Anker

(Sworn to June 15, 1971.)

Affidavit of Jacob Zack in Support of Motion

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

State of New York)
County of Kings) ss.:

JACOB ZACK, being duly sworn deposes and says:

1. I am the Assistant Superintendent in charge of the Office of High Schools, under the jurisdiction of the Chancellor, and have held this position since September, 1969. As such, I am fully familiar with the operations and problems of the public high schools in this city.

2. This affidavit, submitted in support of defendants' motion for summary judgment, will discuss the unique situation at Lane High School and respond to the allegations concerning alleged political interference in the zoning of Tilden High School (Exhibit attached to Todel affidavit).

3. In 1968, Lane was a school beset by serious problems, most of which were caused by overcrowding and racial tension.

4. These factors led to disruptive actions by students, including violent physical attacks on teachers and students, and the closing of that school for several days in 1968.

5. At that time, Lane was operating at 125 per cent of capacity, causing it to be placed on overlapping sessions.

6. One major change occurring as a result of the volatile nature of the school was the reduction of its student population by approximately one thousand. This lowered the plant utilization to approximately 100 per cent and allowed the school to return to single session.

7. It was hoped that this approach would contribute to the stability of the school. It did. Therefore, defendants decided to retain this figure for ensuing years notwithstanding that there exists a serious problem of overcrowding in Brooklyn high schools.

8. The letter from the Principal of Tilden to Stanley Steingut gives the impression that the school was removed from the option program as a result of political pressure. This is not true. Neither my staff nor I were in any way influenced nor responded to any pressure from Mr. Steingut or his representatives. Tilden was not included in the option plan since its zone already included a substantial black population. This resulted in a racial balance which should not be disturbed. For 1970-71, Tilden had 65.5 per cent others. The projection for 1971-72 is 58.5 per cent others. Thus, there was no need to improve an already balanced ethnic distribution (See defendants' Exhibits I and X.)

Jacob Zack

(Sworn to June 15, 1971.)

Exhibit I Annexed to Affidavit of Irving Anker

School Population—Ethnic Distribution

(See Opposite ☞)

BOARD OF EDUCATION-CITY OF NEW YORK

Central Zoning Unit

School Population- Ethnic Distribution

Division ACADEMIC HIGH SCHOOLS

(COMPOSITE)

Area CITY WIDE

	Population Distribution						
		Number			Percent		
YEAR	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1961	198,256	22,270	10,914	165,072	11.2	5.5	83.3
1962	205,971	25,728	12,741	167,502	12.5	6.2	81.3
1963	204,075	30,080	14,727	159,268	14.7	7.2	78.1
1964	204,152	37,167	17,851	149,134	18.2	8.7	73.1
1965	212,110	45,010	23,968	143,132	21.2	11.3	67.5
1966	224,039	48,776	28,167	147,096	21.8	12.6	65.6
1967	230,423	53,171	29,908	147,344	23.1	13.0	63.9
1968	235,876	59,506	31,285	145,085	25.2	13.3	61.5
1969	236,087	64,798	33,673	137,616	27.4	14.3	58.3
1970	246,117	72,563	37,167	136,387	29.5	15.1	55.4

EXHIBIT "I"

BOARD OF EDUCATION-CITY OF NEW YORK

Central Zoning Unit

School Population-- Ethnic Distribution

Division ACADEMIC HIGH SCHOOLS (COMPOSITE)

Area BROOKLYN

YEAR	Population Distribution						
		Number			Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1961	75,556	7451	2709	65,396	9.9	3.6	86.5
1962	77,717	8390	3299	66,028	10.8	4.2	85.0
1963	76,382	10,006	3727	62,649	13.1	4.9	82.0
1964	75,295	12,623	5091	57,581	16.8	6.7	76.5
1965	78,068	15,407	7418	55,243	19.7	9.5	70.8
1966	81,187	17,030	8434	55,723	21.0	10.4	68.6
1967	82,672	19,091	8918	54,663	23.1	10.8	66.1
1968	84,335	21,651	9420	53,264	25.7	11.2	63.1
1969	85,171	25,014	10,250	49,907	29.4	12.0	58.6
1970	88,403	28,335	11,462	48,606	32.0	13.0	55.0

BOARD OF EDUCATION-CITY OF NEW YORK

Central Zoning Unit

School Population- Ethnic Distribution

Division J.H.S. & I.S.

(COMPOSITE)

Area BROOKLYN

YEAR	Population Distribution						
		Number			Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1961	69,263	16,811	10,415	42,037	24.3	15.0	60.7
1962	71,135	19,262	11,205	40,668	27.0	15.8	57.2
1963	76,108	22,024	12,254	41,830	28.9	16.1	55.0
1964	78,943	23,947	13,317	41,679	30.3	16.9	52.8
1965	79,271	24,751	14,905	39,615	31.2	18.8	50.0
1966	79,252	25,575	16,114	37,563	32.3	20.3	47.4
1967	82,722	26,867	19,911	35,944	32.5	24.1	43.4
1968	85,911	31,928	18,692	35,291	37.2	21.7	41.1
1969	86,846	33,724	19,460	33,662	38.8	22.4	38.8
1970	88,382	36,330	20,151	31,901	41.1	22.8	36.1

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Thomas Jefferson High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2875	160.4	4611	2408	1178	1025	52.2	25.6	22.2
1969	2875	162.3	4667	2796	1258	613	59.9	27.0	13.1
1970	2875	151.7	4362	2744	1254	364	62.9	28.7	8.4

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YO

Central Zoning Unit

School Population - Ethnic Distribution

School Abraham Lincoln High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3043	135.6	4127	330	92	3705	8.0	2.2	89.8
1969	3043	132.9	4045	555	131	3359	13.7	3.2	83.1
1970	3043	131.2	3993	625	145	3223	15.7	3.6	80.7
1971							17.6	4.5	77.9

CZU #39

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Boy's High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2368	112.8	2670	1888	749	33	70.7	28.1	1.2
1969	2368	110.9	2626	2299	286	41	87.5	10.9	1.6
1970	2368	115.3	2731	2465	247	19	90.3	9.0	0.7

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Bushwick High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2041	153.8	3140	1106	1055	979	35.2	33.6	31.2
1969	2041	166.0	3389	1243	1319	827	36.7	38.9	24.4
1970	2041	137.0	2796	1044	1153	599	37.3	41.3	21.4

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Canarsie High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2998	165.6	4966	952	281	3733	19.2	5.6	75.2
1969	2998	166.3	4986	961	293	3732	19.3	5.9	74.8
1970	2998	164.1	4921	1051	316	3544	21.6	6.4	72.0
1971							25.1	6.7	68.2

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Eastern District High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity*	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2233	146.4	3268	895	1951	422	27.4	59.7	12.9
1969	2233	133.1	2972	804	1812	356	27.0	61.0	12.0
1970	2233	130.2	2907	774	1791	342	26.6	61.6	11.8

*Main building cap. of 1898 plus annex cap. of 335.

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School F. K. Lane High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1965	4315	102.2	4411	1757	561	2093	39.8	12.7	47.5
1966	4315	110.4	4764	2134	492	2138	44.8	10.3	44.9
1967	4315	119.0	5136	2411	659	2066	47.0	12.8	40.2
1968	4315	124.5	5374	2691	767	1916	50.1	14.3	35.6
1969	4315	113.0	4875	2606	682	1587	53.5	14.0	32.5
1970	4315	114.1	4924	2767	819	1338	56.2	16.6	27.2
71		105.9	4616				57.2	18.3	24.5

CZU #39

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Sheepshead Bay High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3513	127.1	4465	530	65	3870	11.9	1.4	86.7
1969	3548	121.7	4318	702	80	3536	16.3	1.8	81.9
1970	3548	125.9	4466	935	83	3448	20.9	1.9	77.2
1971							23.9	1.8	74.3

CZU #39
5m 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Erasmus Hall High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity *	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	4774	122.9	5867	1834	243	3790	31.3	4.1	64.6
1969	4763	114.0	5429	2137	236	3056	39.4	4.3	55.3
1970	4734	110.9	5252	2472	337	2443	47.1	6.4	46.5

*Main building capacity 1968-70 of 4478.

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Fort Hamilton High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2589	137.7	3565	361	263	2941	10.1	7.4	82.5
1969	2589	147.5	3819	460	315	3044	12.0	8.3	79.7
1970	2589	145.7	3773	482	328	2963	12.8	8.7	78.5
							13.0	11.5	75.5

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School F.D. Roosevelt High School

Borough Brooklyn

District _____

Asst. Supt. _____

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Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3297	114.6	3777	941	113	2723	24.9	3.0	72.1
1969	3218	108.2	3482	835	139	2508	24.0	4.0	72.0
1970	3218	119.4	3843	944	196	2703	24.6	5.1	70.3
							27.3	8.3	64.4

CZU #39

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School George Wingate High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2855	84.8	2422	1339	181	902	55.3	7.5	37.2
1969	2855	93.1	2658	1770	186	702	66.6	7.0	26.4
1970	2855	99.9	2854	2024	316	514	70.9	11.1	18.0

CZU #39

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School James Madison High School

Borough Brooklyn

District _____

Asst. Supt. _____

Year	Capacity *	% Utili-zation	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3390	142.9	4846	828	181	3837	17.1	3.7	79.2
1969	3390	139.2	4719	946	230	3543	20.0	4.9	75.1
1970	3390	130.9	4437	964	458	3015	21.7	10.3	68.0
							26.4	5.7	67.9

*Main building capacity of 3051, plus annex of 339.

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Midwood High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity *	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2994	130.6	3909	501	41	3367	12.8	1.1	86.1
1969	2994	135.6	4061	717	74	3270	17.7	1.8	80.5
1970	2994	139.7	4184	871	80	3233	20.8	1.9	77.3
							24.7	2.8	72.5

Main building capcity of 2389, plus annex of 605

ZU #39

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Lafayette High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3742	129.8	4857	289	158	4410	6.0	3.2	90.8
1969	3632	129.3	4695	342	227	4126	7.3	4.8	87.9
1970	3632	135.2	4911	600	214	4097	12.2	4.4	83.4
							13.1	5.5	81.2

CZU 439

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School John Jay High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3334	126.5	4219	891	1107	2221	21.1	26.2	52.7
1969	3334	146.5	4883	1277	1333	2273	26.2	27.3	46.5
1970	3334	171.1	5706	1322	1656	2728	23.2	29.0	47.8

CZU #39

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School New Utrecht High School

Borough Brooklyn

District _____

Asst. Supt. _____

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_____

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2830	140.8	3985	177	34	3774	4.4	0.9	94.7
1969	2830	140.7	3982	327	31	3624	8.2	0.8	91.0
1970	2830	146.0	4133	529	43	3561	12.8	1.0	86.2
							15.9	1.5	82.6

CZU #39

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Samuel Tilden High School

Borough Brooklyn

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3235	125.4	4057	796	198	3063	19.6	4.9	75.5
1969	3235	121.7	3936	1070	252	2614	27.2	6.4	66.4
1970	3235	106.9	3457	995	196	2266	28.8	5.7	65.5

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School SOUTH SHORE HIGH SCHOOL

Borough BROOKLYN

District

Asst. Supt.

YEAR	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968									
1969									
1970	3979	42.3	1684	491	111	1082	29.1	6.6	64.3

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School JOHN DEWEY HIGH SCHOOL

Borough BROOKLYN

District

Asst. Supt.

YEAR	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968									
1969	3064	33.8	1037	251	82	704	24.2	7.9	67.9
1970	3064	65.6	2011	491	144	1376	24.4	7.2	68.4

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School BROOKLYN TECH HIGH SCHOOL

Borough BROOKLYN

District _____

Asst. Supt. _____

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_____

YEAR	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	5786	93.1	5389	524	138	4727	9.7	2.6	87.7
1969	5786	90.0	5210	564	164	4482	10.8	3.2	86.0
1970	5786	87.9	5084	627	196	4261	12.3	3.9	83.8

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School BAY RIDGE HIGH SCHOOL

Borough BROOKLYN

District

Asst. Supt.

YEAR	Capacity *	% Utili-zation	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2600	93.9	2441	447	512	1482	18.3	21.0	60.7
1969	2600	97.5	2536	613	516	1407	24.2	20.3	55.5
1970	2600	102.9	2676	796	638	1242	29.8	23.8	46.4

* Main building capacity of 1595, plus annex capacity of 1005.

CZU #39

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School PROSPECT HEIGHTS HIGH SCHOOL

Borough BROOKLYN

District

Asst. Supt.

YEAR	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2535	102.2	2592	1634	679	279	63.0	26.2	10.8
1969	2536	109.6	2779	1818	666	295	65.4	24.0	10.6
1970	2535	128.2	3250	2254	740	256	69.3	22.8	7.9

CZU #39
500- 5/71

Exhibit II Annexed to Affidavit of Irving Anker

1968-1969 Plan

(See Opposite ☞)

Samuel Gompers Vocational & Technical HS 665-0950 Boys
455 Southern Blvd 10455 District 7
Transportation: Subways: IRT to 143 St or train to Jackson Ave *Buses:* E 149 St crosstown; Southern Blvd to 145 St; Prospect Ave to 149 St. All other Bronx buses transfer to above.

Courses

Technical Electronics and Technical Electricity: admission by examination only (see page 72). 8th & 9th year graduates may apply.
Vocational Courses: Radio-TV installation and repair; Electrical installation and practice. Entrance examination required for electrical course. Only 9B junior high school graduates may apply.
Non-Examination Course: Radio-TV installation and repair

BOROUGH OF BROOKLYN

ACADEMIC HIGH SCHOOLS

Abraham Lincoln HS 372-5474 Boys and Girls
Ocean Pkwy & West Ave 11235 District 21
ZONE:
Beginning at Shore Pkwy and Stillwell Ave; on Stillwell to Mermaid Ave, to W 37 St to the shore; along the shore to the end of the Esplanade on Manhattan Beach; north to Oriental Ave; East to Pembroke St, North to Shore Blvd; West to West End Ave, North to Emmons Ave, West to Coney Island Ave, North to Kings Highway, West to McDonald Ave, South along Shell Road to Shore Pkwy and West to the point of origin.
Transportation: Subways: BMT Brighton Line to Ocean Pkwy *Buses:* Nos 21,36,68
Diplomas: academic; general; commercial (Gregg stenography)
Languages: French; Spanish; Italian; Hebrew
Courses for which zoning variances might be granted: Hebrew; Italian

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Bay Ridge HS 232-2535 Girls
4th Ave & 67 St 11220 District 20
Annex: 1171 65 St 11219 232-2535
Open to all girls living in Brooklyn. No zoning restrictions.
Transportation: MAIN BUILDING—*Subways:* BMT Sea Beach line to 59 St then 4th Ave line to Bay Ridge Ave *Buses:* 60 St; 5th Ave; Hamilton Ave; Lorraine St (change to BMT 4th Ave line)
ANNEX—*Subways:* BMT Sea Beach to Ft Hamilton Pkwy *Buses:* 60 St to 11 Ave
Diplomas: academic; general; commercial; (Pitman stenography)
Languages: French; Spanish; Italian
Courses for which zoning variances might be granted: Italian

Boys HS 622-4310 Boys
832 Marcy Ave 11216 District 13
Open to boys living in Brooklyn and Queens only. No zoning restrictions.
Transportation: Subways: BMT Brighton shuttle to Franklin Ave, transfer to IND to Nostrand Ave; LIRR to Nostrand Ave *Buses:* Putnam; Gates; Fulton; Tompkins; Nostrand; DeKalb Aves

(continued on next page)

EXHIBIT "T"

Transportation: Subways: BMT-West End to 25 Ave; BMT-Sea Beach to Ave U *Buses:* Ave U; Ave J; Kings Highway; Bath Ave
Diplomas: academic; general; commercial (Pitman stenography)
Languages: French; Spanish; Italian; Hebrew
Courses for which zoning variances might be granted: None

Midwood HS 434-6616 — Boys and Girls
Bedford Ave & Glenwood Rd 11210 — District 22

ZONE:
Beginning at intersection of Foster Ave and Ocean Pkwy to Bay Pkwy; to McDonald Ave; to Ave M; to Coney Island; to Ave N; to Flatlands Ave; to Utica Ave; to Glenwood Rd; to Schenectady Ave; to Farragut Rd; to Nostrand Ave; to Foster Ave; to point of beginning.

Transportation: Subways: IRT to Flatbush Ave; BMT Brighton to Ave J. *Buses:* Ave J, Flatbush Ave.
Diplomas: academic; general; commercial (Pitman stenography)
Languages: French; Spanish; Latin; Hebrew (Russian, German, and Chinese are given in senior year by special arrangement with Brooklyn College for exceptionally superior students only)
Courses for which zoning variances might be granted: Hebrew; Latin

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New Utrecht HS 232-2500 — Boys and Girls
1601 80 St 11214 — District 20

ZONE:
Beginning at the intersection of 13 Ave and 36 St to Ft Hamilton Pkwy; to 44 St; to 11 Ave; to 86 St; to 20 Ave; to 80 St; to Stillwell Ave; to Highlawn Ave; to W 7 St to Bay Pkwy to 65 St; to 15 Ave; to 54 St; to 13 Ave; to 36 St (including pupils living on both sides of 36 St and north of building located at 1301 36 St between 13 Ave and Ft Hamilton Pkwy) to point of beginning.

Transportation: Subways: BMT-West End to 79 St *Buses:* 18 Ave; Bay Ridge Pkwy
Diplomas: academic; general; commercial (Pitman stenography)
Languages: French; Spanish; Italian; Hebrew; Modern Greek
Courses for which zoning variances might be granted: Hebrew, Italian; Modern Greek

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Prospect Heights HS 783-5890 — Girls
883 Classon Ave 11225 — District 17

ZONE:
Open to all girls living in Brooklyn. No zoning restrictions.

Transportation: Subways: BMT Brighton shuttle to Eastern Pkwy; IRT to Franklin Ave or Brooklyn Museum. *Buses:* Franklin Ave; Ocean-Rogers Ave; St Johns Pl.
Diplomas: academic; general; commercial (Pitman stenography); art; costume design
Languages: French; Spanish
Courses for which zoning variance might be granted: Art academic—entrance examination required **(see page 68)**

Samuel J Tilden HS 451-2400 Boys and Girls
5800 Tilden Ave 11203 District 18

ZONE:
Beginning at the intersection of Church & Schenectady Aves, to Glenwood Rd to Utica Ave, to Flatlands Ave, to Flatbush Ave, to Ave N, to Ave T, to So Paerdegat Basin, to Ralph Ave; to Foster Ave, to Rockaway Ave, to Dumont Ave to Winthrop St to E 96 St, to Clarkson Ave, to E 92 St to Lenox Rd, to Remsen Ave, to Linden Blvd, to E 53 St, to Church Ave, Schenectady Ave

Transportation: Subways: IRT-New Lots to Saratoga Ave, then Kings Hwy bus #7 *Buses:* Kings Hwy; Remsen Ave; Ave D; Utica Ave; Church Ave; Ralph Ave

Diplomas: academic; general; commercial (Pitman stenography)

Languages: French; Spanish; Hebrew; Latin

Courses for which zoning variances might be granted: Latin; Hebrew

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Sheepshead Bay HS 743-4061 Boys and Girls
3000 Ave X 11235 District 22

ZONE:
Beginning at the intersection of Coney Island Ave and Ave T to Neptune Ave; to Emmons Ave; to Shore Pkwy to a point on Shore Pkwy opposite Gerritsen Ave; to Gerritsen Ave; to Ave X; to Burnett St; to Ave U; to Gerritsen Ave; to Ave T; to point of beginning.

Transportation: Subways: BMT Brighton to Sheepshead Bay and then Surf Ave. *Buses:* Ave U to Batchelder St; Surf Ave to Ave X; Nostrand Ave to Ave X.

Diplomas: academic; general; commercial (Pitman stenography)

Languages: French; Spanish; German

Courses for which zoning variances might be granted: None

Thomas Jefferson HS 345-1801 Boys and Girls
Pennsylvania & Dumont Aves 11207 District 19

ZONE:
Beginning at Belt Pkwy to Atkins Ave; north to Dumont Ave; west to Shepherd Ave; north to Belmont Ave; west to Barbey St; north to Liberty Ave; west to Stone Ave; north to East New York Ave; west to St Marks Ave; to Utica Ave; south to Eastern Pkwy; east to Saratoga Ave; south to East New York Ave; east to Strauss St; south to Sutter Ave; east to Van Sinderen St; south to Riverdale Ave; east to Williams Ave; south to Linden Blvd; east to Louisiana Ave; south to Flatlands Ave; west to northern side of Fresh Creek Basin; south along the creek to Belt Pkwy; east to point of beginning. Where the boundaries of Franklin K Lane HS touch those of Thomas Jefferson HS, pupils on both sides of the street will go to Franklin K Lane HS

Transportation: Subways: IRT-New Lots to Pennsylvania Ave *Buses:* Pennsylvania Ave; Sutter Ave; New Lots Ave

Diplomas: academic; general; commercial (Pitman stenography)

Languages: French; Spanish; Hebrew

Courses for which zoning variances might be granted: None

Franklin Delano Roosevelt HS 256-1346 Boys and Girls

5800 20 Ave 11204 District 21

ZONE:
Beginning at the intersection of 13 Ave and 54 St along 13 Ave to a point behind the east building line of 36 St (and north of the building located at 1301-36 St) to Hamilton Pkwy; to Caton Ave; to E 3 St; to 18 Ave; taking both sides of E 3 St to 18 Ave; to Ocean Pkwy; to McDonald Ave; to Ave P to W 5 St; to Quentin Rd; to W 7 St; to Bay Parkway; to McDonald Ave; to Ave P to W 5 St; to Quentin Rd; to W 7 St; to 65 St; to 15 Ave; to 54 St; to point of beginning.

Transportation: Subways: IND to Ave I or Bay Pkwy; BMT Sea Beach to 20 Ave *Buses:* No. 8, No. 9, No. 23

Diplomas: academic; general; commercial (Gregg stenography)

Languages: French; Spanish; Italian; Hebrew

Courses for which zoning variances might be granted: None

Franklin K Lane HS 647-2100 Boys and Girls

999 Jamaica Ave 11208 District 19

ZONE:
Beginning at Spring Creek Park, along the Eastern Edge of the Park to 157 Ave; to Elderts Lane; to 97 Ave; to Woodhaven Blvd; to Park Lane South; to Long Island Railroad; to Myrtle Ave along Forest Park and the Cemeteries to Evergreen Ave; to Putnam Ave; to Bushwick Ave; to Gates Ave; to Sumner Ave; to Fulton St; to Utica Ave; to St Marks Ave; to Liberty Ave; to Barbey St; to Belmont Ave; to Shepherd Ave; to Dumont Ave; to Atkins Ave; to Spring Creek Park. Where the boundaries of Franklin K Lane HS touch those of Thomas Jefferson HS, pupils on both sides of the street will go to Franklin K Lane HS.

Transportation: Subways: BMT to Elderts Lane *Buses:* B56; 14

Diplomas: academic; general; commercial (Pitman stenography)

Languages: French; Spanish; Italian; German; Latin; Hebrew

Courses for which zoning variances might be granted: German; Italian; Latin; Hebrew

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George W Wingate HS 467-7400 Boys and Girls

630 Kingston Ave 11203 District 18

ZONE:
Beginning at Nostrand Ave and Eastern Pkwy to Parkside Ave; to New York Ave; to Clarkson Ave; to E 39 St; to Church Ave; to E 53 St; to Linden Blvd; to Remsen Ave; to Lenox Rd; to E 92 St to Clarkson Ave to E 96 St; to Winthrop St; to E 98 St; to East New York Ave; to Buffalo Ave; to Eastern Pkwy; to Nostrand Ave; to point of beginning.

Transportation: Subway: IRT to Winthrop St. *Buses:* 41; 12; 33

Diplomas: academic; general; commercial (Gregg stenography)

Languages: French; Spanish; Hebrew

Courses for which zoning variances might be granted: Hebrew; Gregg stenography

James Madison HS 377-0400 — Boys and Girls
3787 Bedford Ave 11229 — District 22

ZONE:
Beginning at the intersection of Ave N & Coney Island Ave on Coney Island Ave to Ave T; to Gerritsen Ave; to Ave U; to E 38 St to Ave V; to Hendrickson Ave; to Flatbush Ave; to Ave U; to Mill Ave; to Strickland Ave; to National Dr; to a point opposite Ave Y; to Ave Y; to Bergen Ave; to Bergen 15 St; to Ave T; to Ave N; to Flatbush Ave; to Flatlands Ave; to Ave N; to point of beginning.
Beginning at Buffalo Ave and Eastern Pkwy; south on Buffalo Ave to East New York Ave; east on New York Ave to E 98 St; south on E 98 St to Dumont Ave; east on Dumont Ave to Stone Ave; north on Stone Ave to Blake Ave; east on Blake Ave to Van Sinderen Ave; north on Van Sindern Ave to Sutter Ave; West on Sutter Ave to Strauss St; north on Strauss St to East New York Ave; west on St Johns Pl to Eastern Pkwy; to point of origin
Transportation: Subways: BMT Brighton to Kings Hwy. *Buses:* Kings Hwy to Bedford Ave; Ocean Ave and Nostrand Ave to Quentin Rd; Ave R to Bedford Ave.
Diplomas: academic; general; commercial (Pitman stenography)
Languages: French; Spanish; German; Latin; Hebrew; Italian
Courses for which zoning variances might be granted: German; Hebrew; Italian; Russian

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John Jay HS 788-1514 — Boys and Girls
237 7th Ave 11215 — District 15

ZONE:
Beginning at the East River and Fulton St, along Fulton St to Washington Ave, to Empire Blvd, to Ocean Ave, to Parkside Ave, to Park Circle, to Ft Hamilton Pkwy, to New Utrecht Ave, to 11 Ave, to 48 St, to 7th Ave, to 55 St, to 5th Ave, to 54 St, to 4th Ave, to 53 St, to the Bay and along the waterfront to the point of beginning.
Transportation: Subways: IND to 7th Ave; BMT to 9th St and then free transfer on IND, to 7th Ave. *Buses:* 7th Ave; 5th Ave; Vanderbilt Ave.
Diplomas: academic; general; commercial (Gregg stenography)
Languages: French; Spanish; Italian; Hebrew; Latin
Courses for which zoning variances might be granted: Hebrew, Latin, German, French, Spanish, Italian, Theatre Workshop, Spanish Stenography

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Lafayette HS 372-3480 — Boys and Girls
2630 Benson Ave 11214 — District 21

ZONE:
Beginning at the intersection of 20 Ave and 80 St; to 86 St; to 14 Ave; to the shore line. Along the shore line circling Sea Gate to W 37 St; north to Mermaid Ave; to Stillwell Ave; to Shore Pkwy; to Shell Rd; to McDonald Ave; to Kings Highway; to Coney Island Ave; to Ave M; to McDonald Ave; to Ave P; to W 5th St; to Quentin Rd; to W 7 St; to Highlawn Ave; to Stillwell Ave; to 80 St; to point of beginning.

(continued on next page)

Diplomas: academic; general
Languages: French; Spanish
Courses for which zoning variances might be granted: None.

Brooklyn Technical HS 858-5150 — Boys
29 Ft Greene Pl 11217 — District 13

No zoning restrictions.
Transportation: Subways: IRT, and BMT, to Atlantic Ave, IND, to Lafayette Ave, Myrtle Ave El to Navy St *Buses:* Fulton St, DeKalb Ave, Flatbush Ave
Diploma: technical
Languages: French; German
Special features: entrance examination required for admission

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Bushwick HS 967-7100 — Boys and Girls
400 Irving Ave 11227 — District 16

ZONE:
Starting at Bushwick and Metropolitan Aves; along Metropolitan to Scott Ave, to Johnson Ave, to Porter Ave, to Knickerbocker Ave, to Starr St to Wilson Ave, to Stockholm St, to Cypess Ave, to Menahan St, to St Nicholas Ave, to Gates Ave, to Wyckoff Ave, to Stephen St, to Irving Ave, to Chauncey St, along cemetery to Evergreen Ave, to Putnam Ave, to Central Ave, to Palmetto St, to Bushwick Ave, to Gates Ave, to Sumner Ave, to Flushing Ave, to Bushwick Ave, to point of origin.
Transportation: Subways: BMT Canarsie Line to Myrtle-Wyckoff Aves
Buses: Halsey St, Gates Ave, Wilson Ave, Flushing-Ridgewood
Diplomas: academic; general; commercial (Gregg stenography)
Languages: French; Spanish; Italian; German 3, 4, 5, 6
Courses for which zoning variances might be granted: German 3, 4, 5, 6; Italian; stenographic (shorthand) machines

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Canarsie HS 649-5511 — Boys and Girls
1600 Rockaway Pkwy 11236 — District 18

ZONE:
Beginning at the southerly side of Fresh Creek Basin to Belt Pkwy, along the Creek to Flatlands Ave; to Louisiana Ave; to Linden Blvd; to Williams Ave; to Riverdale Ave—to Van Sindern Ave; to Blake Ave; to Stone Ave to Dumont Ave; to Rockaway Ave; to Foster Ave; to Ralph Ave; to Flatlands Ave; to north side of Paerdegat Basin to the Belt Pkwy; to point of beginning.
Transportation: Subway: BMT Canarsie to Rockaway Parkway then free shuttle bus to Ave K. *Buses:* Remsen Ave to Ave K; Rockaway Pkwy to Ave K; Ave J to Rockaway Pkwy and Flatlands Ave.
Diplomas: academic; general; commercial (Gregg stenography)
Languages: French; Hebrew; Italian; Spanish
Courses for which zoning variances might be granted: Hebrew; Italian; computer programing

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Eastern District HS 782-0791 — Boys and Girls

ZONE:
Beginning at East River and Fulton St, along Fulton St to Putnam Ave, to Grand Ave north on Grand Ave to Lafayette Ave, west on Lafayette Ave to St. James Pl, north on St. James Pl into Hall St, north on Hall St to Willoughby Ave, east on Willoughby Ave to Emerson Pl, north on Emerson Pl but taking in no numbers on Emerson Pl to Myrtle Ave, east on Myrtle Ave to Sumner Ave, to Flushing along Flushing Ave to Bushwick Ave, along Bushwick to Orient Ave, to Kinstand Ave, to Newton Creek, to the East River, along the waterfront to the point of beginning.

Transportation: Subways: IND (GG) to B'way; Jamaica El to Marcy Ave *Buses:* Wilson Ave to S 4th St & Marcy Ave; Meeker-Marcy to Rodney St & B'way; Lorimer St to Bedford Ave, change to Nostrand Ave; Nostrand Ave or Tompkins Ave to Keap St; Utica-Reid to Keap St & B'way; crosstown to Keap St and Whyte Ave

Diplomas: academic; general; commercial; (Pitman stenography)

Languages: French; Spanish

Courses for which zoning variances might be granted: None

Erasmus Hall HS 282-7803 — Boys and Girls

911 Flatbush Ave 11226 — District 17

ZONE:
Beginning at the intersection of Ft Hamilton Pkwy and Caton Ave up to E 3rd St (taking no addresses on E 3rd St); to 18 Ave; to Ocean Pkwy; to Foster Ave; to Nostrand Ave; to Farragut Rd; to Schenectady Ave; to Church Ave; to E 39 St; to Clarkson Ave; to New York Ave to Parkside Ave to Nostrand Ave; to Eastern Pkwy to Washington Ave; to Empire Blvd; to Ocean Ave to Parkside Ave to Ft Hamilton Pkwy; to point of beginning.

Transportation: Subways: BMT, IRT to Church Ave. *Buses:* Flatbush Ave, Cortelyou Rd, Rogers Ave, Church Ave.

Diplomas: academic; general, commercial (Pitman stenography)

Languages: German; Hebrew; French; Spanish; Latin (Russian and Chinese are given in senior year by special arrangement with Brooklyn College for exceptionally superior students only.)

Courses for which zoning variances might be granted: German; Latin; Hebrew

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Fort Hamilton HS 748-1537 — Boys and Girls

8301 Shore Rd 11209 — District 20

ZONE:
Beginning at the Bay and Dyker Beach Park, along Bay 8th St to Cropsey Ave; to 14 Ave; to 86 St; to 11 Ave; to 48 St; to 7 Ave; to 55 St; to 5th Ave; to 54 St; to 4th Ave; to 53 St; to the Bay; to the point of beginning.

Transportation: Subways: BMT 4th Ave to 85 St *Buses:* 75 St crosstown, No. 4; Ft Hamilton Pkwy, No. 16; Third Ave, No. 37

Diplomas: academic; general; commercial (Pitman stenography)

Languages: French; Spanish; Latin

Exhibit III Annexed to Affidavit of Irving Anker

Skip Zoning Plan

(See Opposite ☞)

ABRAHAM LINCOLN HIGH SCHOOL

ZONE

Area I:-

Beginning at Shore Parkway and Stillwell Ave.; on Stillwell to Mermaid Ave.; to West 37 St.; to shoreline; along shoreline to Sea Wall Ave.; to Shore Boulevard; to Neptune Ave.; to Coney Island Ave.; to Kings Highway; to McDonald Ave.; to Shell Road; to Shore Parkway; to point of origin. All lines running along middle of vehicular way unless otherwise stated.

Area II:-

Beginning at Eastern Parkway and Rogers Ave.; north on Rogers Ave.. to St. Marks Ave.; east to Albany Avenue; north to Bergen St.; east to Schenectady Ave.; south to St. Marks Ave.; east to Utica Ave.; south to Eastern Parkway; west to point of origin. All lines run down the middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 328.

EXHIBIT "III"

BUSHWICK HIGH SCHOOL

ZONE:

Beginning at Bushwick Ave. and Metropolitan Ave.; along Metropolitan Ave. to Brooklyn-Queens Boundary; to Johnson Ave.; to Porter Ave.; to Knickerbocker Ave.; to Starr St.; to Wilson Ave.; to Stockholm St.; to west side of Cypress Ave.; to Putnam Ave.; to Wyckoff Ave.; to Stephen St.; to Irving Ave.; to Chauncey St.; along Cemetery to Evergreen Ave; to north side of Cornelia St.; to Central Ave.; to south side of Palmetto St.; to Broadway; to Gates Ave.; to Sumner Ave.; north to Hart St.; east to Lewis Ave.; south to Pulaski St.; east to Broadway; to Kossuth Place; to Bushwick Ave.; to Stockholm St.; to Evergreen Ave.; to Flushing Ave.; west to Bushwick Ave.; north on Bushwick Ave; to point of origin.

All lines running down the middle of the vehicular way unless otherwise stated.

EASTERN DISTRICT HIGH SCHOOL

ZONE:

Beginning at Willoughby Ave. & Hall St; north on Hall St. to Myrtle Ave.; west to Washington Ave.; north to Flushing Ave.; west to Navy St.; north following west boundary of Navy Yard to East River; north along the waterfront to Newtown Creek; east along Newtown Creek to Kingsland Ave.; south to Maspeth Ave.; west to Bushwick Ave.; south to Seigel Street; west to Humboldt St.; south to Flushing Ave.; west to Throop Ave.; south to Myrtle Ave.; west on Myrtle Ave. to west side of Emerson Place; south to Willoughby Ave.; east to point of origin.

All lines running down the middle of the vehicular way unless otherwise stated.

ERASMUS HALL HIGH SCHOOL

ZONE

Beginning at Ft. Hamilton Parkway and Caton Ave.; along Caton Ave. to east side of East 3rd St.; to 18 Ave.; to Ocean Parkway; to Foster Ave.; to Nostrand Ave.; to Farragut Road; to Schenectady Ave.; to Church Ave.; to East 39 St.; to Clarkson Ave.; to New York Ave.; to Parkside Ave.; to Nostrand Ave.; to Eastern Parkway; to Rogers Ave.; north on Rogers Ave. to Bedford Ave.; continuing north along Bedford Ave. to Atlantic Ave.; to Grand Ave.; to Park Place; to Classon Ave.; to Eastern Parkway; to Washington Ave.; to Empire Blvd.; to Ocean Ave.; to Parkside Ave.; to Fort Hamilton Parkway; to point of origin.

All lines running down the middle of vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 132.

FT. HAMILTON HIGH SCHOOL

ZONE

Area I:-

Beginning at the Bay and Dyker Beach Park, along Bay 8th St. to Cropsey Ave.; to 14 Ave.; to 86 St.; to 11 Ave.; to 43 St.; to 7 Ave.; to 55 St.; to 5th Ave.; to 54 St.; to 4th Ave.; to 53 St.; to the Bay; to the point of beginning.

Area II:-

Beginning at Grand Avenue and Greene Avenue, north on Grand Ave. to Lafayette Ave.; west to Hall St.; north to Myrtle Ave.; west to Washington Ave.; north to Flushing Ave.; west to Navy St.; north following west boundary of Navy Yard to East River; west following East River to Fulton St.; east to Brooklyn Queens connecting highway; east to Navy St.; south to Myrtle Ave.; east to Washington Park; south to DeKalb Ave.; east to Clermont Ave.; south to Greene Ave.; east on Greene Ave. to point of origin. All lines running down middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school — 243.

JOHN JAY HIGH SCHOOL

ZONE:

Beginning at 53 St. & the Bay; east on 53 St. to 4th Ave.; to 54 St.; to 5th Ave.; to 55 St.; to 7th Ave.; to 43 St.; to 11 Ave.; to New Utrecht Ave.; to Ft. Hamilton Parkway; to Park Circle; to Parkside Ave.; to Ocean Ave.; to Empire Blvd.; to Washington Ave.; to Eastern Parkway; to Classon Ave.; to Park Place; to Grand Ave.; to Atlantic Ave.; to Franklin Ave.; to Brevoort Place; to Bedford Ave.; to Fulton St.; to Nostrand Ave.; to Putnam Ave.; to Grand Ave; to Greene Ave.; to Clermont Ave.; to DeKalb Ave.; to Washington Park; to Myrtle Ave.; to Navy St.; to Park Ave.; west on Brooklyn Queens connecting Highway to Fulton St.; to waterfront of East River; south on waterfront to point of origin.

All lines running down the middle of vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 171.

LAFAYETTE HIGH SCHOOL

ZONE

Area I:-

Beginning at the intersection of 20 Ave. and 80 St.; to 86 St.; to 14 Ave.; to the shore line. Along the shore line circling Sea Gate to W 37 St.; north to Mermaid Ave.; to Stillwell Ave.; to Shore Parkway; to Shell Road; to McDonald Ave.; to Kings Highway; to Coney Island Ave.; to Avenue P; to McDonald Ave.; to Avenue P; to West 5th St.; to Quentin Road; to West 7 St.; to Highlawn Ave.; to Stillwell Ave.; to 80 St.; to point of beginning.

Area II:-

Beginning at Flushing Ave. and Throop Ave.; south on Throop Ave. to Myrtle Ave.; east to Sumner Ave.; north to Flushing Ave., west on Flushing Ave. to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Area III:-

Beginning at Humboldt St. and Flushing Ave.; east on Flushing Ave. to Bushwick Ave.; north on Bushwick Ave.; to Seigal St.; west to Humboldt St.; south to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Area IV:-

Beginning at Hart St. and Sumner Ave.; north on Sumner Ave. to intersection of Sumner Ave. and Broadway; northeast on Sumner Place to Flushing Ave.; east to Evergreen Ave.; south to Stockholm St.; south to Bushwick Ave.; east to Kossuth Place; south to Broadway; north to Pulaski St.; west to Lewis Ave.; north to Hart St.; west to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 319.

FRANKLIN K. LANE HIGH SCHOOL

ZONE

Area I:-

Beginning at Shore Parkway and the Brooklyn-Queens Boundary; north along Brooklyn-Queens Boundary to 97 Ave.; to Woodhaven Blvd.; to northern boundary of Forest Park; continuing along the northern borders of the cemeteries to Conway St.; southeast on Conway St. to Broadway; to East New York Ave.; to Stone Ave.; to Liberty Ave.; to Barbey St.; to Belmont Ave.; to Shepherd Ave.; to Dumont Ave.; to Atkins Ave.; to Flatlands Ave.; to Fountain Ave.; to Shore Parkway; to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Area II:-

Beginning at Broadway and the south side of Palmetto St.; east on the south side of Palmetto St. to Central Ave.; south to the north side of Cornelia St.; west to Evergreen Ave.; south to Moffat St.; to Broadway; to Rockaway Ave.; to Chauncey St.; to Saratoga Ave.; to Bainbridge St.; to Ralph Ave.; to St. Marks Ave.; to Utica Ave.; to Fulton St.; to Sumner Ave.; to Gates Ave.; to Broadway; to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 268.

MIDWOOD HIGH SCHOOL

ZONE

Area I:-

Beginning at intersection of Foster Ave. and Ocean Parkway to Bay Parkway; to McDonald Ave.; to Avenue M; to Coney Island Ave.; to Avenue N; to Flatlands Ave.; to Utica Ave.; to Glenwood Road; to Schenectady Ave.; to Farragut Road; to Nostrand Ave.; to Foster Ave.; to point of beginning.

Area II:-

Beginning at the intersection of Throop Ave. and Vernon Ave.; east on Vernon Ave. to Sumner Ave.; south to Fulton St.; west to Nostrand Ave.; north to Putnam Ave.; east to Throop Ave.; north to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Area III:-

Beginning at Ralph Avenue and Bainbridge Street;
East on Bainbridge Street to Saratoga Avenue;
South to Fulton Street; East to Rockaway Avenue;
South to Atlantic Avenue; West to Ralph Avenue;
North to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 300.

NEW UTRECHT HIGH SCHOOL

ZONE

Area I:-

Beginning at the intersection of 13 Ave. and 36 St. to Fort Hamilton Parkway; to 44 st.; to 11 Ave.; to 35 St.; to 20 Ave.; to 60 St.; to Stillwell Ave.; to Highlawn Ave.; to West 7 St.; to Bay Parkway to 65 St.; to 15 Ave.; to 54 St.; to 13 Ave.; to 36 St. (including pupils living on both sides of 36 St. and north of building located at 1301 36 St. between 13 Ave. and Fort Hamilton Parkway) to point of beginning.

Area II:-

Beginning at Grand Ave. and Lexington Ave.; east on Lexington Ave. to Tompkins Ave.; north to Van Buren St.; east to Throop Ave.; south to Putnam Ave.; west to Grand Ave.; north to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not for only included in the zone of this school — 165.

FRANKLIN D. ROOSEVELT HIGH SCHOOL

ZONE

Area I:-

Beginning at the intersection of 13 Ave. and 54 St. along 13 Ave. to a point behind the east building line of 36 St. (and north of the building located at 1301-36 St.) to Fort Hamilton Parkway; to Caton Ave.; to East 3 Street; to 18 Ave. (taking both sides of East 3 St.); to Ocean Parkway; to McDonald Ave.; to Avenue P; to West 5 St.; to Quentin Road; to West 7 Street; to Bay Parkway; to 65 St.; to 15 Ave.; to 54 St.; to point of beginning.

Area II:-

Beginning at Ralph Ave. and Atlantic Ave.; east on Atlantic Ave. to Hopkinson Ave.; south to St. Marks Ave.; west to Ralph Ave.; north to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 171.

SHEEPSHEAD BAY HIGH SCHOOL

ZONE

Area I:-

Beginning at the intersection of Coney Island Ave. and Avenue T; to Neptune Ave.; to Emmons Ave.; to Shore Parkway to a point on Shore Parkway opposite Gerritsen Ave.; to Gerritsen Ave.; to Avenue X; to Burnett St.; to Avenue U; to Gerritsen Ave.; to Avenue T; to point of beginning.

Area II:-

Beginning at Sumner Ave. & Fulton St.; to Utica Ave.; to St. Marks Ave.; to Schenectady Ave.; to Bergen St.; to Albany Ave.; to St. Marks Ave.; to Bedford Ave.; to Atlantic Ave.; to Franklin Ave.; to Brevoort Place; to Bedford Ave.; to Fulton St.; to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Area III:-

Beginning at Atlantic Ave. and Hopkinson Ave.; south on Hopkinson Ave. to St. Marks Ave.; east to East New York Ave.; north to Broadway; northwest to Conway St.; north along Boundary of Cemetery to Granite St.; south to Broadway; southeast to Stone Ave.; south to Atlantic Ave.; west to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 269.

SAMUEL J. TILDEN HIGH SCHOOL

ZONE

Area I:-

Beginning at the intersection of Church & Schenectady Aves.; to Glenwood Road; to Utica Ave.; to Flatlands Ave.; to Flatbush Ave.; to Avenue N; to Avenue T; to South Paerdegat Basin; to Ralph Ave.; to Foster Ave.; to Rockaway Ave.; to Dumont Ave.; to Winthrop St.; to East 96 St.; to Clarkson Ave.; to East 92 St.; to Lenox Road; to Remsen Ave.; to Linden Blvd.; to East 53 St.; to Church Ave.; point of origin.

Area II:-

Beginning at Saratoga Ave. & Chauncey St.; south on Saratoga Ave. to Fulton St.; east to Rockaway Ave.; south to Atlantic Ave.; east to Stone Ave.; north to Broadway; west to Granite St.; north to Evergreen Ave.; northwest to Moffat St.; south to Broadway; north to Rockaway Ave.; south to Chauncey St.; west to point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Approximate number of new entrants from areas not formerly included in the zone of this school -- 97.

GROVER CLEVELAND HIGH SCHOOL

ZONE:

Beginning at Kingsland [illegible] and Newtown Creek; east along Newtown Creek to the Brooklyn-Queens Expressway; north then east along the Brooklyn-Queens Expressway to Queens Blvd.; to 69 St.; south to Calamus Ave.; east to 74 St.; south to the Long Island Expressway; east to the New York Connecting Railroad (LIRR); south to Caldwell Ave.; east to 77 St.; south to Eliot Ave.; west to 75 Place; south through Juniper Valley Park to Penelope Ave.; east to 77 St.; south to 66 Drive; west to 75 St.; south to Metropolitan Ave.; east to 80 St.; south to 78 Ave.; west to 79 St.; south through Forest Park to the Brooklyn-Queens boundary at Park Lane South and Eldert Lane; west then north along the Brooklyn-Queens boundary to Putnam Ave.; east to the west side of Cypress Ave.; north to Stockholm St.; west to Wilson Ave.; north to Starr St; east to Knickerbocker Ave.; north to Flushing Ave.; east to Porter Ave.; north to Johnson Ave.; east to the Brooklyn-Queens boundary; north to Metropolitan Ave.; west to Bushwick Ave.; north to Maspeth Ave.; east to Kingsland Ave.; north to the point of origin.

All lines runnind down the middle of the vehicular way unless otherwise stated.

RICHMOND HILL HIGH SCHOOL

ZONE

Area I:-

Beginning at Cooper Ave. and 80 St.; east on Cooper Ave. to Woodhaven Blvd.; south to Union Turnpike; east to Metropolitan Ave. to the Van Vyck Expressway; south to 109 Ave.; west to 132 St.; north to 107 Ave.; west to 131 St.; north to Liberty Ave.; west to 108 St.; north to 101 Ave.; west to 98 St.; north to 97 Ave.; west to 92 St.; north to Atlantic Ave.; east to Woodhaven Boulevard; north to Park Lane South; west to Brooklyn-Queens boundary; north on a projection of that boundary to the northern fringe of Forest Park at 79 St.; north to 78 Ave.; east to 80 St.; north to the point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Area II:-

Beginning at the west side of Emerson Place and Myrtle Ave.; east on Myrtle Ave. to Sumner Ave.; south to Vernon Ave.; west to Throop Ave.; south to Van Buren St.; west to Tompkins Ave.; south to Lexington Ave.; west to Nostrand Ave.; north to north side of Lexington Ave.; west to Grand Ave.; north to the south side of DeKalb Ave.; west to Ryerson St.; north to the south side of Willoughby Ave.; east to the west side of Emerson Place; north to the point of origin. All lines running down the middle of the vehicular way unless otherwise stated.

Distribution of Pupils Affected By New Brooklyn Academic High School Zoning

From	To	Number of Pupils
Grover Cleveland	Midwood	190
Franklin K. Lane	"	110
		300
Grover Cleveland	Franklin K. Lane	57
Eastern District	John Jay	87
Unassigned Area	"	84
		171
Eastern District	Fort Hamilton	248
Eastern District	Lafayette	91
Bushwick	"	228
		319
Unassigned Area	Sheepshead Bay	195
Franklin K. Lane	"	73
		268
Unassigned Area	Erasmus Hall	132
Unassigned Area	Abraham Lincoln	328
Franklin K. Lane	Samuel J. Tilden	97
Franklin K. Lane	Franklin D. Roosevelt	171
John Adams	New Utrecht	155

Exhibit IV Annexed to Affidavit of Irving Anker

***Katz* Decision (Barlow, J.)**

(See Opposite ☞)

N.Y.L.J. 6/26/69
Vol 161 No 129 p14

Barlow & Kern

KATZ v. DOAR—Twenty-four pupils currently attending either Lafayette High School or Abraham Lincoln High School in Brooklyn seek to enjoin the Board of Education of the City of New York from instituting a proposed limited rezoning plan for the high school in Brooklyn.

Approximately 2,200 pupils who live in north Brooklyn will enter high schools in south Brooklyn in September, 1969, if this plan goes into effect. All of these pupils will be entering high schol ofor the first time. No pupil presently in high school will be required to switch schools under this plan. Most, if not all, of these 2,200 children coming into the south Brooklyn high schools will be Negroes or Puerto Ricans.

The total number of high school pupils in Brooklyn exceeds the combined computed capacity of all the high school buildings in Brooklyn. Over utilization of the buildings cannot be avoided. One of the aims of the challenged rezoning plan is to distribute the over-crowding more equally among the various high schools.

Ethnic balance is another factor taken into consideration in the rezoning plan. The high schools in northern Brooklyn have a higher percentage of Blacks and Puerto Ricans. The plan will increase the Black and Puerto Rican enrollment in the southern Brooklyn high schools such as Lafayette and Lincoln which the plaintiffs attend. Lafayette High School's combined enrollment of Negroes and Puerto Ricans will increase from 9 per cent to 16 per cent. Lincoln High School will have an increase from 10 per cent to 17.9 per cent. The overall increase in Negro and Puerto Rican enrollment in the southern Brooklyn high schools will be about 4 per cent.

Two other factors were considered also: continuity of education and travel time. In the interest of educational continuity no child was required to switch high schools. As for travel time, the board of education has not yet completed its plans. It has not yet been decided whether the pupils will be required to use public transportation or whether contract bussing will be provided or some of both. It would appear that many pupils will require an hour to get to school and some may take even longer.

The court finds that the proposed rezoning plan is not arbitrary, unreasonable or capricious. To sustain the validity of the plan it is not necessary for the court to find that the plan is the best possible or that other arrangements are impossible. Judicial review of the acts of an administrative body is limited.

It is well established in this state that a board of education may rezone schools for the purpose of achieving integrated enrollments (Matter of Balaban v. Rubin, 14 N. Y. 2d 193, cert. den. 379 U. S. 881; Matter of Stippoli v. Bickal, 21 App. Div. 2d 365, aff'd 16 N. Y. 2d 652). The plaintiffs contend, however, that Chapter 342 of the Laws of 1969 (the most recent pertinent statute) changes the rule established in the cases cited above. [illegible] Chapter 342 of the Laws of 1969, takes effect Sept. 1, 1969. No one can claim its protection before that date. Even if there is any merit to the plaintiffs' claim that it should be given effect before that date as some sort of statement of policy, the plaintiffs still are not entitled to an injunction. In this court's opinion Chapter 342 has not been violated by the proposed rezoning plan. The new statute is not a complete legislation reversal by the holding in the cases cited above. It merely attempts to limit the circumstances under which pupils may be compelled to attend a particular school for the purpose of attaining racial balance. It is particularly significant that Chapter 342 expressly permits a pupil to be assigned to a particular school to achieve racial balance if the pupil's parent or guardian authorize it. No proof was presented in this case to show that the parents of the 2,200 pupils coming to south Brooklyn schools did not authorize this move. And since none of the plaintiffs herein are being transferred the consent of their parents is not required.

The complaint is dismissed.

Exhibit V Annexed to Affidavit of Irving Anker

Report and Study Containing 1970-1971 Plan
New York State Funded Project

(See Opposite ☞)

BOARD OF EDUCATION OF THE CITY OF NEW YORK
SCHOOL PLANNING AND RESEARCH DIVISION
CENTRAL ZONING UNIT
110 LIVINGSTON STREET, BROOKLYN, N. Y. 11201
TEL. 596-4061, 2, 3

HILLERY C. THORNE
DIRECTOR

July 7, 1970

Mr. Irving Anker
Acting Superintendent of Schools

Dear Mr. Anker:

Attached you will please find the results of an extension of a study, New York State Funded, in the interest of improving the attendance patterns of the academic high schools in the Borough of Brooklyn, which was assigned to the Central Zoning Unit by Dr. Nathan Brown. The Unit, as you know, was charged with following the directions and instructions of Deputy Superintendent Dr. Soelig Lester, Assistant Superintendents Jacob Zack and Abraham Wilner, together with Messrs. Walter Wolff and Sidney Jaffe, such directions to be the result of conferences with persons in the community. Later, Acting Assistant Superintendent Oscar Dombrow was added to the above mentioned directional group.

The attached material, thus, reflects wherever possible and practical the distillate of desires, wishes and plans as submitted by High School Principals, Local School Boards, Councils and Parent Groups as registered in scheduled hearings and correspondence. The report is an attempt to gain for Brooklyn's secondary school students the best physical and program opportunities for quality integrated education within a framework of community consensus and practical considerations.

In the completion of this report, the Central Zoning Unit has been guided by five basic criteria, namely; a workable population for the new South Shore High School, equated school building utilization, minimal disturbance of the present pupil population in each school, transportation practicability, and the best possible ethnic distribution.

Yours sincerely,

HCT:cs

attach

HILLERY C. THORNE
DIRECTOR OF ZONING

ACKNOWLEDGEMENTS

Sincere thanks are extended to all supervisory, administrative and teaching personnel in the field, and to all persons in positions of community leadership for their part in the completion of this study. Also an appreciation is here registered to the following headquarters personnel in the office of Junior High Schools, office of Senior High Schools, Bureau of Attendance, Bureau of Research and Statistics, all members of the Central Zoning Unit not specifically assigned to the study, and our fellow units in the Division of School Planning and Research.

Further for their special contribution do we offer thanks to Abacus Associates, Nelson Associates, the United States Bureau of the Census, and the New York City Planning Commission.

Especially, in addition to the regular staff of the Central Zoning Unit, do we acknowledge our indebtedness and register appreciation to the following, who often worked for the completion of the study beyond their call of duty and regular time schedules:

STAFF OF CENTRAL ZONING UNIT

Fermin Archer
Florence Bakumenko
John Dudley
Stephen Haft
Shu Ting Hsia
Alvin J.Purvis *
Roy Sapin
Gerald Seegull
Phillip Tama
Fred Woodruff
Victoria Wurman

SPECIAL CONSULTANTS

Robert E. Eickel
Klaus Oebel
Curt Shulman
Stanley Kornhauser
Harry Eisenson

* Served as Coordinator of the Study

BOARD OF EDUCATION OF THE CITY OF NEW YORK
SCHOOL PLANNING AND RESEARCH DIVISION
CENTRAL ZONING UNIT
110 LIVINGSTON STREET, BROOKLYN, N. Y. 11201
TEL. 596-4061, 2, 3

HILLERY C. THORNE
DIRECTOR

June 23, 1970

Miss Lynette Tucker, Acting Director
Bureau of Intergroup Education

Dear Miss Tucker:

I write to congratulate you and those members of the staff of the Bureau of Intergroup Education on the very successful program, which you conducted in the interest of gaining participation by parents in the Open Admissions Program connected with the Brooklyn Academic High School Rezoning Project.

The extent of this success is attested to by the fact that where the most liberal estimate as registered by the Central Zoning Unit of parent participation in the program was 60% of the eligibles, results show that nearly 100% participation developed. When we compare this with other optional relief of overutilization and/or integration programs, we can arrive at only one conclusion. This is that the difference must be attributed to the fine way in which you and your staff "beat the drums" for this project. We find particularly a greater number of Puerto Rican parents participating in this optional program than in others.

Please pass on to those members of the staff who helped in this cause, the appreciation by all members of the Central Zoning Unit and extend to them my personal best wishes for an enjoyable Summer vacation.

Sincerely yours,

HILLERY C. THORNE
DIRECTOR OF ZONING

HCT:fy

CC: Dr. Seelig Lester
Mr. Jacob Zack
Mr. Oscar Dombrow
Mr. Joseph Brennan
Mr. Alvin Purvis

BOARD OF EDUCATION
Of The City Of New York
110 Livingston Street
Brooklyn, N.Y. 11201

NATHAN BROWN
Superintendent of Schools
(Acting)

September 18, 1969

Mr. Jacob Zack
Assistant Superintendent

Dear Mr. Zack:

Please proceed with the study of Brooklyn High School Zoning for 1970-71 as indicated in your memorandum of September 16. I should like to be kept advised before any public statements are made or any proposal is released to a large group of parents or professionals.

Sincerely yours,

NATHAN BROWN
Acting Superintendent of Schools

NB:al

cc: Dr. Seelig Lester
Mr. Hillery C. Thorne

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INTRODUCTION

THE SETTING*

This part of the report describes three of the broad governing considerations within which the specific problem of high school zoning in Brooklyn must be viewed. These considerations include the law; housing, and population factors of a general nature and of a specific school nature.

THE LAW

Proposals for improving racial balance in the schools must be advanced, so far as possible, in full knowledge of what the law permits and what the law requires. Insofar as cases decided in the courts provide this knowledge, the following paragraphs attempt to summarize the principles which currently apply.

These general principles appear:

> ...neither the Federal Constitution nor the laws of New York prohibit reasonable steps to avoid or cure racial imbalance in the public schools. Depending on the circumstances, such reasonable steps may include (among other possible plans) redrawing of attendance zones, strategic location of new schools, voluntary pupil transfers, school pairing, or central educational parks. Although the courts have apparently not yet passed on plans of mandatory out-of-district bussing, the principles enunciated in cases decided thus far indicate that such plans will also be upheld in the proper circumstances.

---

* This section is in the main found in the Nelson Report on "Rezoning of Queens Academic High Schools" and contains the highlights of a memorandum by Markham Ball, Esq., of the firm of Leva, Hawes, Symington, Martin & Oppenheimer. A partial text appears as Appendix C.

> ...the New York Education Law, as interpreted and applied by the Commissioner of Education, requires local boards to take all reasonable and feasible steps to correct substantial racial imbalance. School boards appear to have considerable discretion, however, to devise plans best suited to local circumstances. A similar rule, while not yet supported by the weight of judicial authority, is emerging in the cases decided under the Fourteenth Amendment to the Federal Constitution.

Permissible Action To Avoid Racial Imbalance

The Fourteenth Amendment

Nothing in the Fourteenth Amendment prohibits a board of education from taking the race of students into account in establishing criteria for school attendance, so long as the board's purpose is to end or prevent racial segregation or imbalance.

New York Law

The law of New York has developed along lines closely parallel to those traced by decisions under the Federal Constitution. Plans to relieve racial imbalance were attacked, with some initial success in the lower courts, on the ground that New York law forbade school assignments that took race into account. Ultimately, the rule became settled that assignment plans designed to reduce racial imbalance would be upheld if they were not arbitrary or unreasonable. State courts, however, are traditionally more free to inquire into the propriety of state administrative action than Federal courts. The New York courts, in applying the standard of reasonableness under state law, seem more inclined to make a detailed assessment of the competing considerations that go into the formulation of a plan than Federal courts considering the reasonableness of plans under the Federal Constitution.

Relevant Consideration

Taken as a whole, the New York cases indicate that the goal of achieving racial balance may be weighed very heavily when attendance plans are devised, but that this is not the only factor to be considered. Despite the very limited nature of permissible judicial review defined by the New York Court of Appeals, at least the lower courts in New York tend to look carefully at the justifications behind unusual plans of assignment. It is therefore incumbent on a school board that departs from traditional neighborhood school assignments to consider all the factors relevant to the choice of an assignment plan, and to compile a record of its action that will show a reviewing court that the relevant factors have been considered and a reasonable result achieved.

The Appellate Division in Balaban v. Rubin and in Addabbo v. Donovan listed a number of factors which the Board of Education had considered and which the Court itself held to be relevant in determining the reasonableness of the school assignment plans there at issue. These factors make a useful checklist for school boards. They are:

1. The distance between children's homes and their schools.

2. Utilization of school space and size of classes.

3. Safety and convenience of transportation (including the extent to which bussing is required).

4. Racial integration of the schools.

5. The geography of school zones (i.e., whether they are regularly shaped, whether schools are located centrally in the zones, and whether zoning takes topographic barriers into account).

6. Continuity of instruction (i.e., the extent to which children must transfer from school to school).

7. Educational advantages obtainable by pooling resources.

There are no mechanical tests to determine the extent to which any of these factors must be given weight. Considerations of relieving racial imbalance will probably weigh heavier the greater the

concentration of minorities in given schools. They weigh heaviest when a school becomes 'predominantly Negro,' for that, as educators and the courts have recognized, is when the education offered in that school becomes most clearly unequal. It is relevant that the 1960 Statement of Policy of the Board of Regents addresses itself to the problem of student bodies 'largely of homogeneous ethnic origin,' finding that such student grouping results in inferior education for minority races, and that the Commissioner of Education in his Memorandum of 1963 speaks of the educational inadequacies of only those schools 'in which the enrollment is wholly or predominantly Negro.' The neighborhood school concept, on the other hand, would seem to have greater force the younger the children are who are involved and the greater the distances it is proposed that they travel.

In every case, a board will have to compare the relative strengths of the often competing policies of racial balance and neighborhood schools. In the case of the high schools in Queens, travel to school by bus or common carrier is already a way of life for many students. To the extent that the School Board has found by experience that transportation to school is compatible with sound education, it will be in a strong position, should it adopt an assignment plan for high schools involving mandatory transportation, to show the reasonableness of this plan.

Requirement To Avoid
Racial Imbalance

The question remains of what a school board must do, not merely what it may do, to correct racially imbalanced schools.

The Fourteenth Amendment

> At the present time the weight of authority is with the view that, when neighborhood school zones are fairly drawn with no purpose to discriminate against minorities, they are immune from Constitutional attack, even if these zones when superimposed on segregated residential patterns result in substantial racial imbalance in the schools.
>
> (The) conflict between the weight of authority and the emerging line of cases that disagree will no doubt be resolved ultimately by the Supreme Court. It is enough for the present to note that, despite the contrary holdings in other circuits and the contrary dictum in one

District Court decision in the Second Circuit (the Olsen case, supra), the two District Court cases in the Second Circuit that have passed squarely on the question (the Branche and Blocker cases, supra) have held that school boards must take all feasible steps to remedy public school segregation, regardless of its cause.

New York Law

As the Education Law of New York is interpreted and applied by the Commissioner of Education, it imposes a duty on school boards 'to consider the racial factor' in proposed or existing school attendance patterns 'and, where feasible, to take reasonable corrective action in cases of substantial imbalance.'

'Equality of Educational Opportunity'

...The Board of Regents, under N. Y. Education Law #207, has declared it to be the educational policy of the state to provide 'equal opportunity for all children.' Equal opportunity is not provided, the Regents have concluded, in 'schools enrolling students largely of homogeneous ethnic origin.' The motivation and ability of members of racial minorities to learn in such schools is impaired whether the homogeneity results 'by law or by fact.' The Commissioner of Education, implementing this policy under N. Y. Education Law #305, has declared that 'the racial imbalance existing in a school in which the enrollment is wholly or predominantly Negro interferes with the achievement of equality of educational opportunity and must therefore be eliminated from the schools of New York State.' The Commissioner has held that he has power, in his quasi-judicial capacity, 'to hear and determine any case where the local board is failing to carry out its duties under the statute' (the Education Law), and that this power includes the right to direct affirmative action to correct racial imbalance.

In the Mitchell (v. The Board of Education) case the Commissioner found that racial imbalance existed in the elementary schools of the Malverne-Lakeview district. (In one of the three elementary schools, Negroes constituted 75 percent of the student population; in each of the other two schools, they were 14 percent of the population.) The Commissioner ordered adoption of a Princeton plan to relieve the imbalance. On appeal, the Commissioner's order was upheld.

HOUSING

While there may be difference of opinion on what should be done about racial imbalance in Brooklyn high schools, there is general agreement on the fact that the basic cause of the imbalance is racial segregation in housing. But, beyond that general agreement are two salient facts important to this study:

1. As demonstrated in Part Five of this study, existing housing segregation does not preclude immediate -- though temporary -- alternatives to racial segregation in the schools themselves; however,

2. Continued residential isolation does preclude a permanent solution to the imbalance problem, given reasonable and equitable limits for school utilization and transportation. Moreover, because housing segregation and the confluence of problems associated with it are outside the scope of authority and responsibility of the school board, without housing desegregation the Board cannot permanently solve the problem of racial imbalance in public schools.

In small communities it is often possible to redraw school district lines within existing, segregated housing patterns and successfully eliminate racial imbalance in the public school system. The larger the ghetto, however, the more difficult it becomes to devise solutions to racial imbalance which ignore the housing question. In Brooklyn, as in other cities and boroughs, discrimination and segregation in housing are at the root of racial imbalance in the public schools.

It would appear that in the long run actions such as the following will be necessary if the underlying housing conditions for stable desegregated schools are to be achieved:

elimination of discriminatory practices which inhibit the free access of non-whites to the housing market in the Borough;

an increased supply of middle-income housing widely dispersed throughout the Borough;

an increased supply of low-income housing in middle-income areas;

intensive coordination of housing and zoning plans with school zoning and construction plans between the Board of Education and the appropriate public agencies.

POPULATION FACTORS FOR BROOKLYN (GENERAL)

Brooklyn may be only one of New York City's five boroughs, but it is larger than most of the cities of the United States. On the basis of a 1965 census, it ranks fourth in the size of its population to New York City (8,600,000), Chicago (3,537,000), Los Angeles (2,768,000), Brooklyn (2,599,167). It is larger in population than Philadelphia (2,053,000) and Detroit (1,598,000).

On the basis of a 1960 census showing a total of 2,627,303 the ethnic composition of Brooklyn is Negro - 381,460 (14.5%), Puerto Rican - 180,114 (6.9%), Whites - 2,065,729 (78.6%). In the period between 1950 and 1960, the population dynamics reveal an exodus of white individuals and families from Brooklyn in excess of the arrival of non-whites and Puerto Ricans. During this period there was a net migration out of Brooklyn of whites to the extent of 565,000+ while there was a net migration into Brooklyn of Negroes of 83,000+ and a net migration into the Borough of Puerto Ricans of 98,000+. These movements meant a loss of whites by 17.3%, a gain by Negroes of 20.0% and a gain by Puerto Ricans of 85.0%.

Since 1960, estimates indicate that the downward trend in the overall population has been reversed. By 1965 estimates released by the New York City Office of the Census Bureau show a net gain between 1960 and 1965 of the City by 2.9% and in Brooklyn's population of 2.6%. It is to be expected that the decade between 1960 and 1970 (as extrapolated from the previous ten years) represents the replacement of the white population by non-whites and Puerto Ricans in Brooklyn. If in the next decade the proportion of the New York City population and that of Brooklyn remain, at the present ratio to the New York Region Metropolitan area, it is estimated that by the beginning of the 1980 decade a higher percent of the Borough's total population will be Puerto Rican or Negro.

As evidenced by the population trends it is apparent that the Borough of Brooklyn as against others, has received the largest increase of non-whites and Puerto Rican population in the 1950-1960 decade. The continuation of this trend over the next decade (1970-1980) appears likely from extrapolation of known economic and sociological trends. Three of the conditions favoring this will be housing availability in the Borough, marginal betterment in employment and income potential, the provision of socio-medical resources and, last but not least, the improved offering of quality integrated educational opportunities (covering programs as well as physical facilities).

One fact is becoming quite clear, it would appear that a population interchange process which began in the 1940's and accelerating during the fifties, will continue unless intervening changes of a major nature occur.

This trend will be accelerated in the Brooklyn schools as it is expected that white families will either leave the Borough or withdraw their children from the public schools and put them into the private school system, which city-wide is now accommodating in the neighborhood of 380,000 pupils, predominently white.

Another development with significance for the present study is that the greatest outflow in the past decade from the Borough has been among the under 50 year olds, who constitute the major reproductive and family formation group. Consequently, those remaining tend to be older persons with a more sharply falling birth rate.

The impact of the above outlined city-wide and Brooklyn population conditions and trends are obvious. Continuing increases in the number and percentage of Negro and Puerto Rican pupils enrolled in New York City's public schools is a well established fact, as of October 31, 1967, there were 1,109,664 pupils on register, 22.1 percent were Puerto Rican, 30.1 percent were Negro and 47.8 percent were "others". These percentages compare with the 1966 figures of 20.9 percent Puerto Rican, 29.3 percent Negro and 49.8 percent "other" among 1,084,818 on register. The enrollment and percentage of "others" dropped below 50% for the first time that year.

The enrollment figures showed 244,458 Puerto Rican, 333,769 Negro and 531,437 "others" among the 1,109,644 on register that year. This compared with 226,614 Puerto Rican, 317,613 Negro and 540,591 "others" among 1,084,818 in 1966. On a system-wide basis, we learn that of the 952,617 pupils on register in 1957, there were 128,980 or 13.5 percent Puerto Rican; 172,957 or 18.2 percent Negro and 650,680 or 68.3 percent "others". The percentage of "others" has declined between 2 and 3 percent each year. (See Appendix A)

Another established fact, and one having special relevancy to this study, is that the high school figures show a marked increase in the number of Negro and Puerto Rican pupils in the academic high schools. Still another established fact is that the high school figures show a marked increase in the number of Negro and Puerto Rican children remaining in class through the high school grades, with the academic high schools making significant gains. While the total academic high school enrollment increased 16.4 percent to 224,039 pupils in the eight year period from October 31, 1958 to October 31, 1966, the Puerto Rican population in the academic high schools increased 218.2 percent from 8,852 pupils in 1958 to 28,167 in 1966 and the Negro population increased by 152.8 percent from 19,292 in 1958 to 48,776 in 1966. These increases, however, did not result in a decrease in the vocational high schools registers.

In the vocational high schools the 8,239 Puerto Rican pupils on register in 1958 for 21.1 percent of the total enrollment increased to 11,804 or 28.5 percent in 1966. In the same period, the 9,150 or 23.4 percent Negro enrollment increased to 12,894 or 29.9 percent. Total enrollment in the vocational schools was 39,111 in 1958 and 41,463 in 1966.

In our attempt to bring the present study up-to-date, we find continued trends between 1968 and 1969. There was an increase in the school Negro enrollment city-wide from 358,526 to 373,428 and an increase of Puerto Ricans from 238,760 to 246,907. In the same period the "others" enrollment showed a decrease from 517,837 to 495,102. It is interesting to note that the city-wide total enrollment showed only an increase of 314 pupils in the same period. (from 1,115,123 to 1,115,437). This trend represents a 2 percent drop in "others"; an increase of 1.3 percent Negroes and an increase of .7 percent Puerto Ricans. When a review is made city-wide of Academic High School enrollment, we find an increase of 3.2 percent Negroe and Puerto Rican and a decrease of 3.2 percent of "others". However, when we review the enrollment in Vocational High Schools, we also find an increase of 1.6 percent of Negroes and Puerto Ricans between 1968 and 1969.

The report on trends notes that newcomers to New York City in that period were largely disadvantaged natives of the Western Hemisphere. Comments a report, "Trends in the Ethnic Composition of the Pupil Population of the New York City Schools, 1953-1966",

"The majority were citizens of the United States from Puerto Rico or former agricultural workers displaced from southern plantations. The great change in the character of New York City's population has not been due so much to the weakening of old ethnic groups, but rather due to a shift in the currents of immigration, no longer a horizontal one from Western Europe, but vertical from south to north. This has created a need for careful educational planning for the children of the newcomers, and continuous re-evaluation to provide the best possible education for all youngsters in New York City schools."

This last quoted statement poses a critical callenge to New York City's public educational system on all levels, from pre-school through college. Erasing the scars of generally acknowledged inferior educational provisions and the localized short comings as found south of our border states presents compensatory education demands on the largest public school system in the world with a 1969-70 school population of 1,100,000 pupils. This is peculiarly pertinent on the high school level and in the Borough of Brooklyn, due to the already outlined developments and certain geographical realities.

This quoted section contains, in the main, the high lights of a part of a study "A Systems/Feasibility Study of Linear City Educational Facilities" August 1967, by General Electric Company Re-Entry Systems Department.

THE PROBLEM

One of the basic requirements for a successful attempt to revise the high school zones of a given borough is the availability of detailed information about the school system. The gathering of the necessary basic data for this study was faced with some difficulties due to the fact that the survey was made close to the end of the school term. Scarcity of time and personnel made the employment of school secretaries on an overtime basis necessary to get the information typed and processed.

It was necessary to get complete information:

(a) total number of students in the system

(b) the individual student's ethnic classification

(c) the individual student's geographic residential location

As the collection of this information does not lie in the hands of specially trained personnel and as no permanent record containing the available ethnic information is maintained and updated, the surveying of pupils in the present fashion leads to inaccuracies and incompleteness of data (ommission of racial designation, incorrect addresses, not surveyed pupils, etc.). There is, therefore, no way to check the reliability of the information, since it is impossible to know about errors. The gathering of ethnic data in the present fashion interferes with classroom activities and adds to teacher loads.

Another major problem of data gathering concerns the size of a good neighborhood unit of analysis. The keying of information to each block by hand-spotting the street addresses of the children is extremely slow and time-consuming. Therefore, in the present case, census tracts have been used as the basic unit for this study. These, however, are just a bit too large to be ideal; it is sometimes difficult to obtain a really good fit to school capacities. Despite the fact that census tracts have been already ordered and numbered by the Bureau of the Census the "spotting" of some 80,000 students on a tract map, as was done in the present case, is a large and problematic job.

A third data problem has to do with the future utilization of schools. The number of students who will actually attend a school at a specific future time is difficult to determine accurately because the appropriate data concerning children in parochial schools, future educational

plans of students not yet in high school and past educational experience of students presently in high school ~~is~~ are not readily available or the data ~~is~~ are available in a form not suitable to the project. The lack of back data for new schools in the borough makes it difficult to base predictions on previous trends leaving the road open to some unpredictable developments and reactions in a school like South Shore.

The general problem is to assign a number of students to schools, taking account of the location of the children, their ethnic makeup, and the ability of each of the schools to take a student; the solution must take the form of a set of assignments which are structured so that every school has as nearly equal utilization rates and ethnic proportions as possible, and so that children are able to travel to and from school with maximum convenience.

The solution of the problem was aggravated in the present case by the peculiar ethnic distribution of the population of Brooklyn. The northern third, approximately, of the area of Brooklyn is populated chiefly by Puerto Rican groups of the population, the southern two-thirds, approximately, are populated primarily by white groups of the population. This southern area also contains the overwhelming majority of the Brooklyn high school plants. The resulting difficulties in achieving practical ethnic proportions and good utilization in all high schools in Brooklyn are obvious, and they constituted the main problem in the design of new high school zones for this borough.

Working towards a solution for the above mentioned problems leads to the following conclusions:

1. Rational assessment of alternatives for pupil assignment requires precise definition of school capacity, the relationship between pupil location and school location, and the goals for desegregation desired.

2. With these three factors measured, it is possible to assess the results of any set of decisions concerning these major considerations.

3. Consideration of all the objective alternatives is quite useful in applying less clear-cut considerations. Logistic factors help to define the range of possible solutions to a segregated problem (or better, it identifies those proposals which are technically impossible). Community desires, traditions, and legal constraints can then be used to choose among the alternatives generated by the logistic approach.

4. Among the several results which arise from a consideration of abstracted logistic factors are these:

---that, given segregated neighborhoods, it is very unlikely that schools can be desegregated without reshaping zones, creating enclaves, or other major changes;

---that, given segregated neighborhoods, transportation for desegregated schools is likely to present greater problems than does transportation for segregated schools;

---that, given segregated neighborhoods, desegregated schools will be more overutilized or underutilized than would otherwise be the case, unless those pupils are shifted out of their local zones. In short, one-way pupil transfers always result in uneconomic utilization.

5. With the increasingly asked question by minority parents "shall integration in schools be gained only at our children's inconvenience?", a fair and equitable setting up of new attendance patterns presents more of a dilemma than a problem. This is in most cases made more complicated and aggravated by the legislatively mandated new decentralization policy for intermediate and junior high schools and new centralization policy for high school control. The fact that the study is being conducted in a transitional period, plagued with the inescapable traumas brought on by the formation of new school district lines, the organizing of new local school boards, justifiable restrictions by teachers and supervisors, unions and increased participation in policy making by high school students - all make the goals of the present study more difficult of attainment.

Transitional High School Areas

Aside from difficulties of gathering available data, we are faced in this study with the problem of schools in areas of ethnic residential transition.

For our purpose, a transitional school can be provisionally defined as one which has undergone a significant ethnic change in a given time. We may still further define a transitional school as one in which the rate of decline in "Others" in the school is significantly greater than the average rate of decline to "Others" in the entire academic high school population of the borough. In this phase of our study in developing a working definition the time period selected was the seven year period 1962-1969 and the amount of change in this period was calculated for every academic and vocational high school. The following factors were then considered in determining the significance of the change.

1. Magnitude: The magnitude of change that could reasonably be taken to constitute transition is viewed against an average set for the borough. In Brooklyn a significant fact must be noted, namely that the steady increase in the number of minority (Negro and Puerto Rican) children entering high school and completing high school continues unabated.

2. Continuity: In marginal cases continuity of change is taken as the deciding factor. Schools showing magnitude of change less than the established criteria are classified as transitional if they show strong continuity. On the other hand, some schools showing sufficient change are not classified transitional due to the lack of continuity.

3. Planned Change: In order to accurately reflect the status of school neighborhoods, any changes known to be the direct result of formal integration programs are generally for category purposes discounted. However, the effects of such programs are considered in the revision of zone lines.

4. Ethnic Concentration: High Schools containing over 90% "Others" or 90% minority students are excluded from the transitional category.

In general several observations can be made concerning transitional Brooklyn high school areas:

1. Brooklyn is divided ethnically into two sections. Northern Brooklyn (Williamsburg, Brooklyn Heights, Park Slope, Bedford-Stuyvesant, Brownsville) contains a majority of Negro and Puerto Rican students; whereas Southern Brooklyn (Bay Ridge, Bensonhurst, Sheepshead Bay, Flatbush, Midwood, Canarsie) contains a majority of other ethnic groups. Such a polarization, therefore, makes integrating the schools of the areas especially difficult.

2. High schools in ethnic fringe areas are usually transitional schools. Those fringe areas form an east-west belt which hits across the center of the borough.

3. Several schools in fringe areas have reasonable rates of ethnic transition which seem to be due to active community control.

4. It can be categorically stated that the ethnic makeup of a school is determined by existing housing patterns. In government-subsidized housing, an open housing policy can be implemented, but there cannot be that control in private housing, where people tend to settle in neighborhoods populated by others of their own ethnic background. Private housing is also more susceptible to change, given certain criteria (such as school zoning). In any urban center, the mobility of population depends on economic, social or school factors, and a rapid change in any of these may induce great mobility. Furthermore, changes tend to occur in the direction of least resistance; when a community's housing becomes inadequate for the population the excess will spill over into an adjacent community. Such is the case with Brownsville and East New York.

5. Generally, three years is considered too short a period over which to predict changes; however, the present situation has been such that certain possibilities might be suggested. A further dramatic change can be looked for in the Bushwick-Ridgewood and East New York sections, due to the need for additional housing. With the stricter enforcement of building codes, Brownsville became so overcrowded that relocation was imperative. East New York, a once stable neighborhood, was in the direction of least resistance. Bedford-Stuyvesant was also overcrowded and Bushwick-Ridgewood is the adjacent area of least resistance. The rising birthrate of resident non-whites is a major complicating factor in Brownsville, Bushwick-Ridgewood, Crown Heights and East New York.

6. A further problem for Brooklyn is the general out-migration of industry and of the middle class (an economic rather than ethnic factor) which reduces the tax base, and this impairs availability of sufficient funds for new schools and programs to improve the quality of education for all students.

7. The present system of academic and vocational high schools seems to polarize the community.

8. In view of the findings presented in this part of the study, it seems imperative that the Brooklyn academic high schools listed below as transitional be given special attention as related to the goals and criteria of the study.

TRANSITIONAL ACADEMIC HIGH SCHOOLS

AVERAGE AMOUNT OF CHANGE BOROUGHWIDE = - 26.4%

	1962	1969	Difference in % of Others
BAY RIDGE (ANNEX IN P.187)	91.6	55.5	- 36.1
BUSHWICK	77.9	24.4	- 53.5
ERASMUS	88.4	56.3	- 32.1
F.K. LANE	67.1	32.5	- 34.6
G.W. WINGATE	70.1	26.4	- 43.7
JOHN JAY	79.8	46.5	- 33.3
S.J. TILDEN	97.7	66.4	- 31.3

9. Other schools, located as they are in fringe areas, should also be given special attention and be religiously and periodically studied by all agencies and administrators involved, so as to offset, within the limits of human alertness, power and effort, further ethnic imbalance.

METHODS AND PROCEDURES

SECURING BASIC DATA

The basic statistical data for this extension study of the Brooklyn Academic High Schools was gathered from the following sources:

Statistics revised and up-dated from original student survey of grades 7, 8, 9 and 10 conducted in June, 1968.

Ethnic Census Form SD 1090.1, for Junior High, Intermediate and High School.

September, 1970 entering classes of high schools projected from present and previous feeder patterns.

PROJECTIONS

Basic to the procedure, was the determination of what the schools would be like in September, 1970 if no rezoning was proposed. The September, 1970 projections served as an indicator of the critical situations needing relief of overutilization. In addition to the situations of critical overutilization of certain northern Brooklyn High Schools was the zoning of the new South Shore High School, and the zoning of Boys High School.

South Shore High School

A zone for South Shore High School was constructed from census tracts. The controlling factor for the size of the zone was the projected entering class in September 1970 and the resulting projected opening utilization. The geographic area of the South Shore zone was constructed of portions of the zones of existing adjacent high school zones. Subsequent zone adjustments were made in the zones of the schools affected by the establishment of the South Shore zone.

Boys High School

The majority of the geographic area of the new zone for Boys High School was constructed from an area previously unzoned. (Students from that area were assigned to various Brooklyn High Schools on an open admissions basis). Portions of the zones of adjacent high schools were also used.

Other Critical Situations

Relief of Situations of Critical Utilization
Feeder patterns and statistics over a period of years were compiled as a basis for projecting the entering class and overall school utilization and ethnic composition for September 1970.

Upon the assessment of the degree of overutilization of those schools designated for relief, their zones were translated into census tract areas for further detailed study. The census tract yielded projected entering class statistics which were used in planning relief for a school by either one, or combinations of the following three procedures:

(A) Open Admissions

In this instance a school projected for a critical degree of over-utilization would be relieved through an open admissions program.

The program would offer, on a seats available basis, a number of seats in other less utilized schools. The goal under such a program would be to reduce the projected entering class for September 1970 thereby creating overall relief for the school. Ethnic composition of each "receiving" school was considered so that integration would not be adversely affected.

(B) School Zone Area Shifts

In this instance a portion of the zone of a school would be rezoned to an adjacent zone of a less utilized school through direct annexation. Such a shift would result in a mandated redirection of a projected number of entering students by shifting census tract areas by adjustment of zone lines.

(C) Enclaves

In this instance relief through reassignment of census tract areas is achieved by designating a portion of the zone of the school to be relieved as an enclave to a less utilized school.

The above listed rezoning procedures were designed to provide relief and to improve integration where possible by redirecting only the entering class populations for September 1970. All students presently in attendance at high schools will continue to attend and will not be affected by the rezoning.

The Central Zoning Unit was asked to work along the lines of the suggestions listed below as outlined in a meeting with the High School Advisory Committee on December 8, 1969.

GUIDELINES

1. Consider all of the academic high schools in the Borough of Brooklyn.
2. Establish coed zones for the single-sex high schools, if practical, namely: Boys' High School and Prospect Heights High School.
3. Consider zoning Mill Basin into any zone created for new South Shore High School.
4. Consider offering options to parents of pupils entering Madison High School.
5. Consider an open admissions program based on a maximum number of seats available.
6. The Central Zoning Unit is asked to note and consider, if possible and practical, including Bay Ridge High School in the single-sex conversion.
7. Maintain, if possible and practical, a level of 80% "Others" in those schools considered for "receiving schools" in the Open Admissions Program.

Relevant Items

The items listed below were offered as relevant matters related to the above zoning suggestions.

a. The opening of South Shore High School and the accompanying conversion of three single-sex schools can be expected to result in compensating changes in the zones of many Brooklyn Academic High Schools. The four new zones added within the geographic boundaries of the borough and super imposed upon the existing high school zones will force these compensating adjustments.

b. The establishment of zones for the single-sex schools can be expected to "freeze out" approximately 8000 students who would normally flow into these schools from boroughwide feeders in September 1970. This dispersed pupil population must be accommodated.

c. Any proposed new zone for Tilden High School will of necessity create major changes in its ethnic composition.

d. In all rezoning of schools in fringe areas and/or areas undergoing substantial residential transitional changes, special effort must be made to avoid adjustments leading to ethnic imbalance.

e. It may be necessary in the interest of boroughwide integration (and may prove imperative in the furtherance of equating boroughwide utilization) that an Open Admissions Program be instituted.

If there is the official adoption of an Open Admissions Program, it will be necessary to prepare lists of eligible "sending" and "receiving" schools. A cursory review indicates that the following lists may develop:

"SENDING" HIGH SCHOOLS: Eastern District, Bushwick, Jefferson, Lane, Prospect Heights, Boys' and Wingate.

"RECEIVING" HIGH SCHOOLS: Lincoln, Lafayette, Roosevelt, New Utrecht, Ft.Hamilton, Sheepshead Bay and Midwood.

RECOMMENDATIONS

CENSUS TRACT PLAN

In this report we record the one plan, which after many conferences with local high school personnel, parent groups, student representatives and community leaders was recommended through the Office of High Schools to the Superintendent of Schools and to the Board of Education. This plan presents what are concluded to be the most viable patterns for the rezoning of the Brooklyn coeducational (and certain single-sex) academic high schools.

More Equitable Utilization of School Facilities
Minimal Practical Transportation
Improved Ethnic Distribution
Minimal Disturbance of existing High School Populations

The census tract area, as outlined by the United States Bureau of Census, is selected as the "building block" most convenient for the purpose of gathering pupil data and as the basis of revision of existing zone lines (thus the source of the name selected for the recommended plan). Further, this "building block" provides an area which is sufficiently small in size to provide pertinent data, to lend itself to computer operations, and to make for future modification and adjustments within the extension scope of this study. Further, it should lend itself to changes under any decentralization plan which may be later adopted.

Whenever possible, continguous zone lines are developed for those high schools considered in the study, on the basis of the criteria set forth above, and first mentioned in the introductory section of this study. However, in several instances, it seems impossible to follow these criteria and at the same time maintain contiguity. In such cases, enclaves are established to feed various high schools.

We here engage in a brief explanation as to how the recommended plan in general approaches the criteria or goals of the study. The plan achieves a better ethnic distribution than at present, making for a definite improvement. An adjusted utilization range of from 109 - 157 percent is gained in 1971 compared with the current range of 104 percent to 201 percent.

The recommended zone lines and feeder enclaves referred to above follow in alphabetical order and are geographically outlined in a Map in the Appendix section of this report.

ABRAHAM LINCOLN HIGH SCHOOL

Beginning at the intersection of shoreline and West 37th Street;
North on West 37th Street to Mermaid Avenue,
To Stillwell Avenue,
To Shore Parkway,
To Shell Road,
To McDonald Avenue,
To Kings Highway,
To Coney Island Avenue,
To Neptune Avenue,
To Shore Boulevard,
To Sea Wall Avenue,
To Shoreline,
West to point of origin.

All lines running down the middle of the vehicular way unless otherwise stated.

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BOYS' HIGH SCHOOL

Beginning at the intersection of Grand Avenue and Lexington Avenue;
East on Lexington Avenue to Tompkins Avenue;
To Van Buren Street;
To Throop Avenue;
To Vernon Avenue;
To Sumner Avenue;
To Broadway;
To Ralph Avenue;
To Gates Avenue:
To Reid Avenue;
To MacDonough Street;
To Ralph Avenue;
To Eastern Parkway;
To Washington Avenue;
To Fulton Street;
To Grand Avenue;
North to point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

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BUSHWICK HIGH SCHOOL

Beginning at Wilson Avenue & Stockholm Street along Stockholm Street to West side of Cypress Avenue;
To Putnam Avenue;
To Brooklyn-Queens Border;
To Covert Street;
To Wilson Avenue;
To Schaffer Street;
To Evergreen Avenue;
To Cornelia Street;
To Central Avenue;
To Palmetto Street;
To Evergreen Avenue;
To Hart Street;
To Wilson Avenue;
To Stockholm Street;
To point of origin.
All lines running down the middle of vehicular way unless otherwise stated.

CANARSIE HIGH SCHOOL

Beginning at the intersection of Rockaway Avenue and Dumont Avenue;
East on Dumont Avenue;
To Stone Avenue;
To Blake Avenue;
To Van Sinderen Avenue;
To Riverdale Avenue;
To Williams Avenue;
To Linden Boulevard;
To Louisiana Avenue;
To Flatlands Avenue;
To Fresh Creek Basin;
To Shoreline;
West along Shoreline;
To Peardegat Basin;
North along Peardegat Basin;
To Seaview Avenue;
To 85th Street;
To Avenue J;
To 88th Street;
To Flatlands Avenue;
To East 93rd Street;
To Foster Avenue;
To Rockaway Avenue;
To point of origin.
All lines running down the middle of vehicular way unless otherwise stated.

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EASTERN DISTRICT HIGH SCHOOL

Beginning at the intersection of Newtown Creek and Kingsland Avenue;
Kingsland Avenue to Maspeth Avenue;
To Bushwick Avenue;
To Flushing Avenue;
To Sumner Avenue;
To Myrtle Avenue;
To West Side of Emerson Place;
To Willoughby Avenue;
To Hall Street;
To Lafayette Avenue;
To Grand Avenue;
To Putnam Avenue;
To Fulton Street;
To Waterfront;
Along Waterfront to Newtown Creek;
To point of origin.
All lines running down the middle of vehicular way unless otherwise stated.

ERASMUS HALL HIGH SCHOOL

Beginning at the intersection of Washington Avenue and Eastern Parkway;
East on Eastern Parkway to Nostrand Avenue;
To Parkside Avenue;
To New York Avenue;
To Clarkson Avenue;
To East 39th Street;
To Church Avenue;
To Schenectady Avenue;
To Farragut Road;
To Nostrand Avenue;
To Foster Avenue;
To Ocean Parkway;
To Ditmas Avenue;
To East 3rd Street;
To Caton Avenue;
To Fort Hamilton Parkway;
To Parkside Avenue;
To Ocean Avenue;
To Empire Boulevard;
To Washington Avenue;
North to point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

- - - - - - - - - - - - -

FORT HAMILTON HIGH SCHOOL

Beginning at intersection of Shoreline and 53rd Street;
East on 53rd Street to 4th Avenue;
To 54th Street;
To 5th Avenue;
To 55th Street;
To 7th Avenue;
To 60th Street;
To 11th Avenue;
To 86th Street;
To 14th Avenue;
To Cropsey Avenue;
To Bay 8th Street;
To Shoreline;
Along Shoreline to point of origin;
All lines running down the middle of the vehicular way unless otherwise stated.

FRANKLIN D. ROOSEVELT HIGH SCHOOL

Beginning at intersection of 36th Street and Fort Hamilton Parkway;
East on Fort Hamilton Parkway;
To McDonald Avenue;
To Caton Avenue;
To East 3rd Street;
To Ditmas Avenue;
To Ocean Parkway;
To Bay Parkway;
To McDonald Avenue;
To Avenue P;
To West 5th Street;
To Quentin Road;
To West 7th Street;
To 65th Street;
To 14th Avenue;
To 67th Street;
To 12th Avenue;
To 66th Street;
To 11th Avenue;
To 60th Street;
To 7th Avenue;
To 48th Street;
To 11th Avenue;
To New Utrecht Avenue;
To Fort Hamilton Parkway; to point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

- - - - - - - - - - - - - - -

FRANKLIN K. LANE HIGH SCHOOL

Beginning at the intersection of Gates Avenue and Reid Avenue;
East on Gates Avenue to Broadway
To Palmetto Street;
To Central Avenue;
To Cornelia Street;
To Evergreen Avenue;
To Schaffer Street;
To Wilson AVenue;
To Covert Street;
To Brooklyn-Queens Boundary;
To Boundary of Cemetery of the Evergreens;
East along northern boundary of the cemeteries to northern boundary of Forest Park;
To Woodhaven Boulevard;
To 97th Avenue;
To Brooklyn-Queens Boundary;
To Shoreline;
West along the shoreline to Atkins Avenue (Extended)
North on Atkins Avenue (Extended)
To Dumont Avenue;
To Shepherd Avenue;
To Belmont Avenue;
To Barbey Street;
To Liberty Avenue;
To Stone Avenue;
To East New York Avenue;
To St. Marks Avenue;
To Ralph Avenue;
To MacDonough Street;
To Reid Avenue; north to point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

GEORGE MINGATE HIGH SCHOOL

AREA I:

Beginning at intersection of Nostrand Avenue and Eastern Parkway;
East on Eastern Parkway;
To Buffalo Avenue;
To East New York Avenue;
To East 98th Street;
To Winthrop Street;
To Rockaway Parkway;
To Clarkson Avenue;
To East 92nd Street;
To Lenox Road;
To Remsen Avenue;
To Linden Boulevard;
To East 53rd Street;
To Church Avenue;
To East 39th Street;
To Clarkson Avenue;
To New York Avenue;
To Parkside Avenue;
To Nostrand Avenue;
North to point of origin
All lines running down the middle of the vehicular way unless otherwise stated.

AREA II

Beginning at intersection of Broadway and Flushing Avenue;
East on Flushing Avenue;
To Evergreen Avenue;
To Palmetto Street;
To Broadway;
To Gates Avenue;
To Ralph Avenue;
To Broadway;
To point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

JAMES MADISON HIGH SCHOOL

AREA I:

Beginning at the intersection of Ocean Parkway and Avenue N;
East on Avenue M to Coney Island Avenue;
To Avenue N;
To Flatlands Avenue;
To Flatbush Avenue;
To Gerritsen Avenue;
To Shore Parkway
To Avenue X;
To Burnett Street;
To Avenue U;
To Gerritsen Avenue;
To Avenue T;
To Coney Island Avenue;
To Kings Highway;
To Ocean Parkway;
North to point of origin.
All lines running down the center of the vehicular way unless otherwise stated.

AREA II:

Beginning at intersection of Buffalo Avenue and Eastern Parkway;
East on Eastern Parkway to Saratoga Avenue;
To East New York Avenue;
To Strauss Street;
To Sutter Avenue;
To Van Sinderen Avenue;
to Blake Avenue;
To Stone Avenue;
To Dumont Avenue;
To East 98th Street;
To East New York Avenue;
To Buffalo Avenue;
North to point of origin.
All lines running down the center of the vehicular way unless otherwise stated.

JOHN JAY HIGH SCHOOL

Beginning at the intersection of Fulton Street and Shore Line along Fulton Street to Washington Avenue;
To Empire Boulevard;
To Ocean Avenue;
To Parkside Avenue;
To Fort Hamilton Parkway;
To New Utrecht Avenue;
To 11th Avenue;
To 48th Street;
To 7th Avenue;
To 55th Street;
To 5th Avenue;
To 54th Street;
To 4th Avenue;
To 53rd Street;
To Shoreline and north along same to point of origin.
All lines running down the middle of vehicular way unless otherwise stated.

LAFAYETTE HIGH SCHOOL

Beginning at intersection of Shore Parkway and Bay 8th Street;
North on Bay 8th Street to Cropsey Avenue;
To 14th Avenue;
To 86th Street;
To 20th Avenue;
To 80th Street;
To Stillwell Avenue;
To Highlawn Avenue;
To West 11th Street;
To Quentin Road;
To West 5th Street;
To Avenue P;
To McDonald Avenue;
To Avenue M;
To Ocean Parkway;
To Kings Highway;
To McDonald Avenue;
To Shore Parkway;
To Stillwell Avenue;
To Mermaid Avenue;
To West 37th Street;
To Shoreline;
North and West along shoreline to point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

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MIDWOOD HIGH SCHOOL

Beginning at the intersection of Ocean Parkway and Foster Avenue;
East on Foster Avenue;
To Nostrand Avenue;
To Farragut Road;
To Albany Avenue;
To Avenue I;
To East 42nd Street;
To Avenue K;
To Troy Avenue;
To Flatlands Avenue;
To Avenue N;
To Coney Island Avenue;
To Avenue M;
To McDonald Avenue;
To Bay Parkway;
To Ocean Parkway;
To Foster Avenue, point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

NEW UTRECHT HIGH SCHOOL

Beginning at intersection of Stillwell Avenue and 80th Street;
West along 80th Street to 20th Avenue;
To 86th Street;
To 11th Avenue;
To 66th Street;
To 12th Avenue;
To 67th Street;
To 14th Avenue;
To 65th Street;
To West 7th Street;
To Quentin Road;
To West 11th Street;
To Highlawn Avenue;
To Stillwell Avenue;
To point of origin;
All lines running down the middle of the vehicular way unless otherwise stated.

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SHEEPSHEAD BAY HIGH SCHOOL

Beginning at the intersection of Coney Island Avenue and Avenue T;
East on Avenue T to Gerritsen Avenue;
To Avenue U;
To Burnett Street;
To Avenue X;
To Gerritsen Avenue;
To U.S. Pierhead and Bulkhead line;
To Sea Wall Avenue;
To Shore Boulevard;
To Neptune Avenue;
To Coney Island Avenue;
North to point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

SOUTH SHORE HIGH SCHOOL

Area I

Beginning at the intersection of East 98th Street and Dumont Avenue;
East on Dumont Avenue to Rockaway Avenue;
To Foster Avenue;
To East 93rd Street;
To Flatlands Avenue;
To East 88 Street;
To Avenue J;
To East 85th Street;
To Seaview Avenue;
To Paerdegat Basin;
To Shoreline;
Along Shoreline to Flatbush Avenue;
To Amersfort Avenue;
To East 53rd Street;
To Glenwood Road;
To Farragut Road;
To Ralph Avenue;
To Ditmas Avenue;
To Rockaway Parkway;
To Linden Blvd;
To Remsen Avenue;
To Lenox Road;
To East 92nd Street;
To Clarkson Avenue;
To Rockaway Parkway;
To Winthrop Street;
To East 98th Street;
To Point of origin.
All lines running down the center of the vehicular way unless otherwise stated.

Area II

Beginning at the intersection of Ralph Avenue and St. Marks Avenue;
East on St. Marks Avenue;
To East New York Avenue;
To Hopkinson Avenue;
To Sutter Avenue;
To Strauss Street;
To St. Johns Place;
To Eastern Parkway;
To Ralph Avenue;
To Point of origin.
All lines running down the center of the vehicular way unless otherwise stated.

SAMUEL J. TILDEN HIGH SCHOOL

Beginning at the intersection of East 53rd Street and Linden Boulevard;
Along Linden Boulevard;
To Rockaway Parkway;
To Ditmas Avenue;
To Ralph Avenue;
To Farragut Road;
To Glenwood Road;
To East 53rd Street;
To Amersfort Avenue;
To Flatbush Avenue;
To Flatlands Avenue;
To Troy Avenue;
To Avenue K;
To East 42nd Street;
To Avenue I;
To Albany Avenue;
To Farragut Road;
To Schenectady Avenue
To Church Avenue;
To East 53rd Street;
To point of origin;
All lines running down the middle of vehicular way unless otherwise stated.

THOMAS JEFFERSON HIGH SCHOOL

Beginning at the intersection of Liberty Avenue and Barbey Street;
South on Barbey Street;
To Belmont Avenue;
To Shepherd Avenue;
To Dumont Avenue;
To Atkins Avenue;
Along extension of Atkins Avenue to Shoreline;
Follow shoreline;
To Fresh Creek Basin:
North along Fresh Creek Basin;
To Flatlands Avenue;
To Louisiana Avenue;
To Linden Boulevard;
To Williams Avenue;
To Riverdale Avenue;
To Van Sinderen Avenue;
To Sutter Avenue;
To Hopkinson Avenue;
To East New York Avenue;
To Stone Avenue;
To Liberty Avenue to point of origin.

Where boundaries of Franklin K. Lane H.S. touch those of Thomas Jefferson H.S. pupils on both sides of the street will go to Franklin K.Lane H.S.

All lines running down the middle of the vehicular way unless otherwise stated.

WILLIAM C. BRYANT HIGH SCHOOL

AREA I:
Located in borough of Queens.

AREA II:
Beginning at the intersection of Bushwick Avenue and Metropolitan Avenue;
East on Metropolitan Avenue to Brooklyn-Queens Boundary;
To Johnson Avenue;
To Porter Avenue;
To Flushing Avenue;
To Knickerbocker Avenue;
To Starr Street;
To Wilson Avenue;
To Hart Street;
To Evergreen Avenue;
To Flushing Avenue;
To Bushwick Avenue;
To point of origin.
All lines running down the middle of the vehicular way unless otherwise stated.

RATIONALE SUPPORTING RECOMMENDED MAJOR ZONE CHANGES (A Summary)

BUSHWICK HIGH SCHOOL

Utilization has reached intolerable proportions at this school. An increase is projected for September 1970. It was necessary to extensively revise the present zoning pattern in order to relieve this severe overcrowding.

1. An area in the northern section of the existing zone is designated as an enclave mandated to William Cullen Bryant High School.

2. An area in the northwestern section of the existing zone is designated as an enclave mandated to George W. Wingate High School.

3. An area in the western section of the existing zone is included in the new zone for Boys' High School.

4. An area in the eastern section of the existing zone is included in the revised zone for Franklin K. Lane High School.

ROOSEVELT, NEW UTRECHT, LAFAYETTE & FT. HAMILTON HIGH SCHOOLS

In order to better utilize Franklin D. Roosevelt High School, areas from the existing zones of Fort Hamilton and New Utrecht High Schools were zoned in, and an open admissions option (approximately 240 seats) established. These zone changes permitted the establishment of open admissions options at Fort Hamilton (approximately 135 seats) and New Utrecht (approximately 200 seats).

SOUTH SHORE HIGH SCHOOL

Due to the location of the new South Shore High School and its proximity to existing schools, the zone for South Shore was constructed basically from portions of the zone of Canarsie, Tilden, and Madison High Schools. In addition, an enclave was established to provide a viable degree of integration.

Components of South Shore Zone:

1. An area in the western section of the existing zone of Canarsie High School.

2. An area in the eastern section of the existing zone of James Madison High School.

3. An area in the eastern section of the existing zone of Samuel J. Tilden High School.

4. The number of entering pupils anticipated in the Tilden and Madison shifts approximates 947 pupils.

5. The enclave to South Shore High School is projected at 293 pupils and is an area in the western section of the existing zone of Thomas Jefferson High School.

6. The encroachment of the South Shore zone on the existing zone for Samuel J. Tilden High School necessitated compensatory adjustments. Additional area was drawn from the existing zones of Midwood, Canarsie and James Madison High Schools. Further compensation involved the shift of an area in the existing zone of Lafayette High School to James Madison High School.

BOYS' HIGH SCHOOL

A zone for Boys' High School was established partially from portions of the existing zones of Thomas Jefferson, Franklin K. Lane, and Bushwick High Schools. The remainder of the zone is composed of an area presently unassigned, from which students have been assigned through the Office of High School Placement.

Boys' High School is not planned for co-ed occupancy until the opening of its replacement, scheduled for 1972. The estimated number of girls living in the new zone for Boys' High in the entering class, approximately 948 would therefore be zoned to Prospect Heights High School with an option to attend other academic high schools. The estimated number of boys, approximately 911 would be zoned to Boys' High School with the same option to attend other academic high schools (Open Admissions Program).

1. Recognizing the impact of such large numbers of new students on the physical plants and the programs of Boys' High and Prospect Heights High Schools, a great deal of emphasis and effort would have to be made to insure the success of the optional program mentioned. This would be particularly pertinent in view of the registered complaints by administration, staff and parents connected with these two schools of additional numbers of students to be admitted to these schools and the request by the administration particularly of Prospect Heights High School that this optional program not in any way affect adversely the chance of any girl wishing to enter Prospect Heights High School on the basis of its traditional single sex complement and its special programs.

Also in the interest of diverting, for obvious reasons, as many pupils from these two schools it is logical to attempt to gain as large as possible parental participation in already mentioned Open Admissions program. This will of necessity involve the assistance through an organized program and considerable field work of the Office of Intergrpup Education.

REPORT ON THE OPEN ADMISSIONS PROGRAM

The Problem:

Acute shortages of high school capacity make districts 13 and 14 focal points of the overall Brooklyn problem. In October 1969 the only academic high schools in these districts were Eastern District High School (14), Boys' High School (13) and Brooklyn Technical High School (13). As a specialized school Brooklyn Technical High School could not be utilized for district students. Similarly, Boys' High School was an unzoned (single-sex) school, and Eastern District was operating at 156.6% utilization with a projected 1970 utilization of 193.3%. Moreover, a large area of districts 13 and 17 was, (due to the rescinding of previous zoning arrangements), not zoned to any high school. Taken together the Eastern District area, and the unzoned and immediately adjacent areas were projected to require relief for about 2,000 students. Moreover, the problem was complicated by the fact that these students were long distances away from the sources of potential relief, with varying accessible public service routes of varying acceptable travel time.

Basic Method:

In the attempt to remedy this situation available space in seven south Brooklyn schools, having lower utilization figures, was opened to students in the areas mentioned on an open admissions (i.e., a choice) basis. This plan was dependent on every student in a "sending school" area having a choice between the designated receiving schools and his "home school". It was therefore necessary to provide a home school for the unzoned area. To accomplish this a dual zone was created for Boys' High School. Boys and girls within it would attend Boys' High School and Prospect Heights High School respectively. Eligibility for the Open Admissions Program was then based upon residence within the Eastern District and Boys' High-Prospect Heights zones. That is, any student entitled to feed into one of these schools upon graduation from the 8th or 9th grades in June 1970 would be eligible for open admission.

Receiving and Sending Schools:

Receiving schools were selected on the basis of their potential for accommodating "minority" students by maintaining a predetermined ethnic balance. The working limits for computation of space available at each school were maximums of 140% utilization, 30% minority for the total school population and 40% minority for each of the incoming grades. These limits, being left flexible, were only approximated in most cases. Using them as guidelines, total space available was originally calculated at 1970 seats. The receiving schools selected were: Ft. Hamilton, F.D. Roosevelt, A. Lincoln, Lafayette, Midwood, New Utrecht and Sheepshead Bay. The 375 seats originally calculated for Ft. Hamilton and F.D. Roosevelt were designated for the Eastern District; remaining seats were allotted to the Boys' High-Prospect Heights zone.

Whereas the eligible student population was comprised of those students entering high school in September 1970, the working sending school units were the middle schools and their non-public school equivalents. In effect, any of these schools to graduate a resident of the designated area was a "sending school".

Administration and Processing of Applications:

The open admissions program was administered by the Central Zoning Unit, which prepared applications and instructions for the sending schools, *briefed guidance counselors, processed the completed applications and made assignments. As an aid in recruiting participants for this optional program parent groups were briefed by representatives of the Bureau of Intergroup Education.

Students in the Eastern District zone were given choices of Fort Hamilton or F.D. Roosevent; those in the Boys' High-Prospect Heights zone could choose from the remaining 5 receiving schools. All students were asked to list their choices in order of preference and to mail applications directly to the Central Zoning Unit.

In many cases it was possible to assign applicants to their first choice. If a given school was oversubscribed, selection was made by a random sampling technique. Students not assigned to their first choice were either given their second choice or the method was repeated. Originally all assignments were made in this way; however, some students were assigned randomly when seating availability was altered.

Student Response and Placement

A total of 2,199 applications were received from 75 sending schools (30 of these schools were non-public and accounted for 219 applications). Of this number 1892 (86.1%) were placed in open admissions schools. Disposition of the remaining 307 applicants was as follows:

(1) 261 were found ineligible due to invalid addresses or choices.

(2) 37 were assigned to schools other than the designated receiving schools.

(3) 9 were rejected because their applications were received after assignment had been made.

Applicants were assigned to open admissions schools as follows:

Ft. Hamilton	226
F.D. Roosevelt	273
A. Lincoln	153
Lafayette	366
Midwood	257
New Utrecht	259
Sheepshead Bay	358
Total . . .	1892 *

The total of assignees of 1892 represents a 96.0% of seat utility in an optional program aimed at equalization of high school building utilization and as a by-product improving the ethnic composition of seven Brooklyn high schools.

*As of July 8, 1970, this total does not reflect any refusals on the part of parents of assignments under the program.

Effects of the Open Admissions Program

Were all students placed in the program to accept their seats, the projected registers at the sending high schools would decrease by the following amounts: Eastern District 438, Boys' High 712 and Prospect Heights 742. The resultant utilizations would be Eastern District* 154%, Boys' High School* 91% and Prospect Heights* 135%. Two qualifications of these figures must be noted; first, the Boys' High School projection is imprecise due to a lack of sufficient data. It can be expected that the utilization of Boys' High School in September 1970 will be higher than the figure shown, perhaps in the order of 100%. Secondly, utilizations at these three schools will vary upward to the extent to which options are declined. The estimated effects on all sending and receiving schools are shown in the accompanying tables, found the the Appendix section of this report.

* These figures are based on a projection and do not account for new entrants ("over-the-counter" registrants) who of necessity, because of program and personnel demands cannot, in any large numbers, be accommodated after July 1st through the Open Admissions Program.

TRANSPORTATION

RECOMMENDATIONS RELATED TO TRANSPORTATION BROOKLYN ACADEMIC HIGH SCHOOL STUDENTS

After reviewing the possible alternatives to the existing plan for transporting academic high school students in Brooklyn, it seems evident that the Board of Education of the City of New York should adopt a plan for Brooklyn similar to the one which it adopted for the Borough of Queens in 1968; namely, providing a combination of public and contract bussing. Provision, however, should be made to insure that students receiving contract bus service are not restricted from participating in approved extra curricular activities or meeting scheduled regents examination obligations.

Eligibility for contract bus service should be determined on the basis of the following criteria:

Students residing more than 1½ miles from the academic high school to which they have been assigned on a mandated basis and who, without such contract bus service, would be required to utilize two or more means of public transportation (buses or trains in any combination) to reach their assigned academic high school.

Transferring from one subway or elevated train to another on the same line and not necessitating a second fare constitutes a single means of transportation. Transferring from one bus to another with free transfer pass constitutes using two means of transportation because it involves exiting the bus to the street.

High school students may be expected to walk up to ½ mile total from their homes to a single means of transportation and from the closest debarkation point to the school.

The Bureau of Pupil Transportation, after investigation, should be the sole judge of eligibility for contract bus service.

APPENDIX A

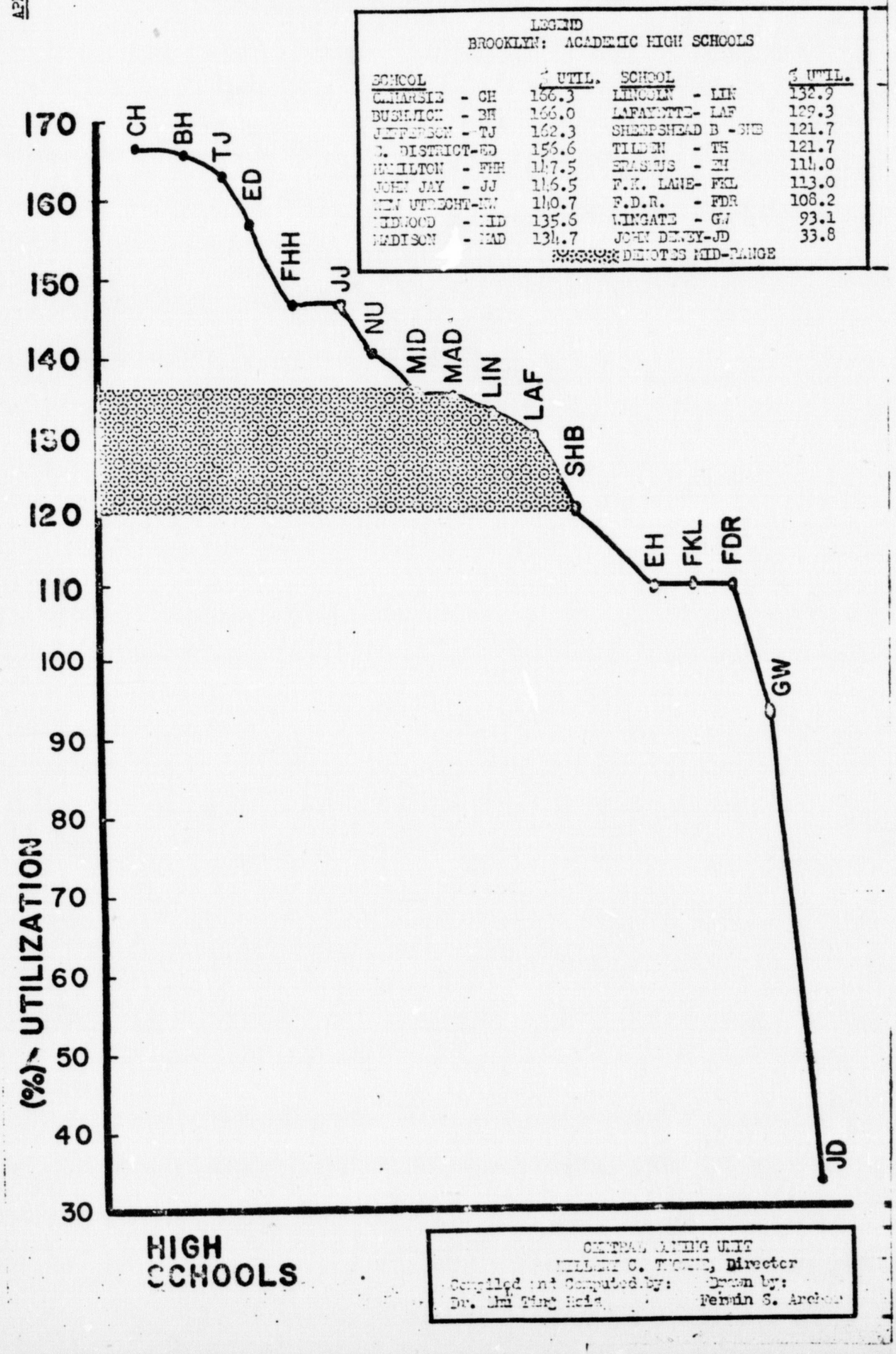
BROOKLYN ACADEMIC HIGH SCHOOLS
PERCENT "OTHERS" 1962-69

School	1962	1963	1964	1965	1966	1967	1968	1969	Percent Change 1962-69	Percent Change 1967-69
A. Lincoln	97.5	97.1	96.5	94.4	94.6	92.1	89.8	83.1	-14.4	- 9.0
Boys High	33.9	26.6	14.3	8.5	5.3	3.0	1.2	1.6	-32.3	- 1.4
Bushwick	77.9	74.0	66.2	54.7	42.1	34.8	31.2	24.4	-53.5	-10.4
Canarsie			66.8	68.0	75.5	75.7	75.2	74.8	+ 8.0	- 0.9
Eastern District	36.4	33.4	26.9	17.0	18.3	15.7	12.9	12.0	-24.4	- 3.7
Erasmus	88.4	85.9	80.9	74.8	72.2	70.8	64.6	56.3	-32.1	-14.5
Ft. Hamilton	97.5	95.7	90.6	85.6	82.2	81.9	82.5	79.7	-17.8	- 2.2
Franklin K. Lane	67.1	61.2	52.0	47.5	44.9	40.2	35.6	32.5	-34.6	- 7.7
Wingate	70.1	58.4	51.0	47.4	50.3	49.4	37.2	26.4	-43.7	-23.0
James Madison	99.6	99.4	93.4	89.7	84.5	81.2	79.2	75.1	-24.5	- 6.1
Lafayette	99.4	99.1	98.0	95.2	92.7	91.5	90.8	87.9	-11.5	- 3.6
John Jay	79.8	76.7	70.1	72.6	54.2	60.8	52.7	46.5	-33.3	-14.3
Midwood	98.9	98.1	91.1	84.3	77.0	81.9	86.1	80.5	-18.4	- 1.4
New Utrecht	99.4	99.4	97.6	97.3	95.6	92.9	94.7	91.0	- 8.4	- 1.9
Prospect Heights*	54.5	46.7	32.0	24.4	19.4	15.0	10.8	10.6	-43.9	- 4.4
Tilden	97.7	97.0	94.5	80.7	81.6	75.0	75.5	66.4	-31.3	- 8.6
Sheepshead Bay	98.9	98.6	98.0	95.8	90.0	88.4	86.7	81.9	-17.0	- 6.5
Franklin Roosevelt				74.7	69.9	72.1	72.1	72.0	- 2.7	- 0.1
Thomas Jefferson	76.1	73.5	56.1	44.4	36.1	29.6	22.2	13.1	-63.0	-16.5
Borough Total	85.0	82.0	76.5	70.8	68.6	66.1	63.1	58.6	-26.4	- 7.5

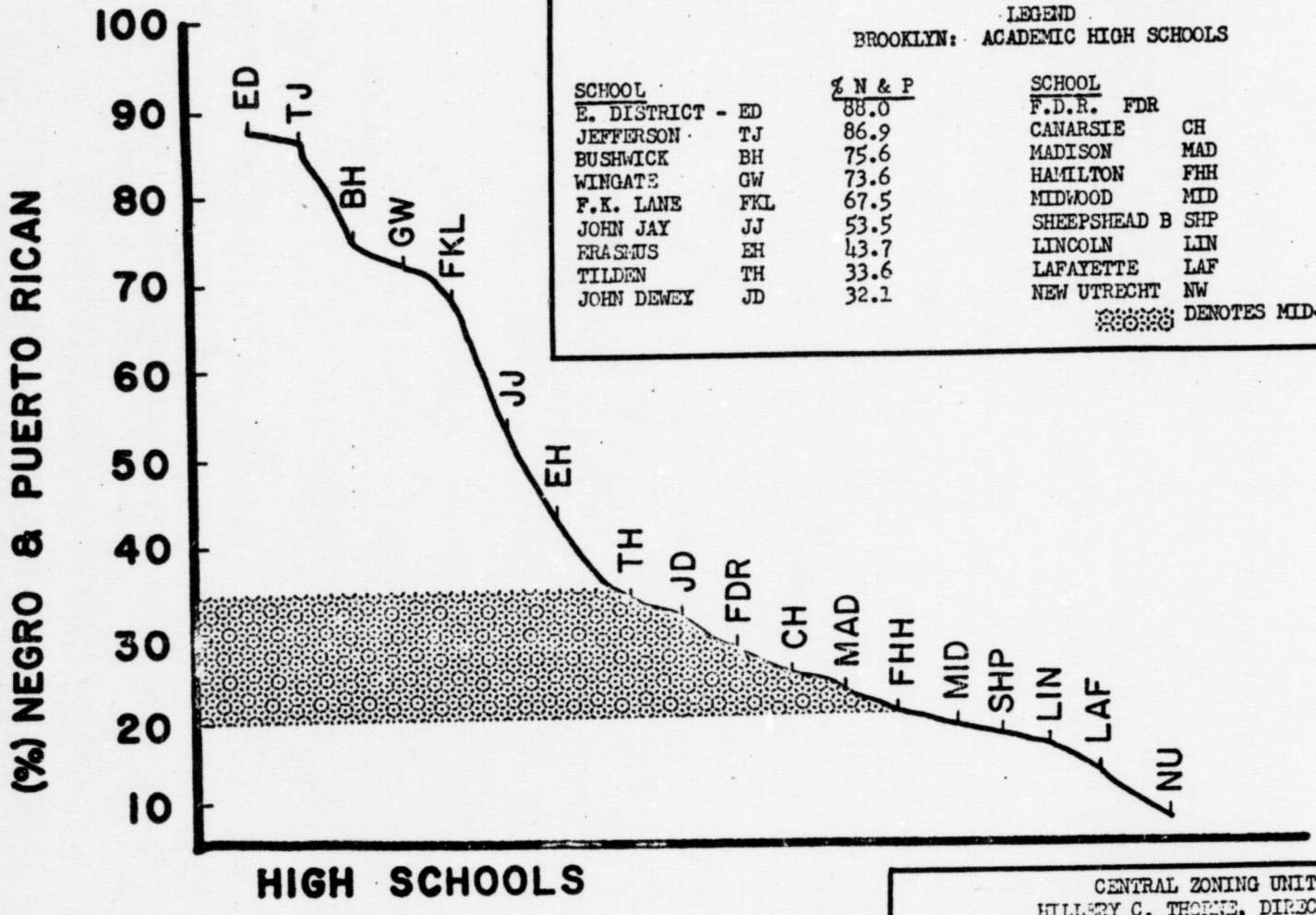
*UNZONED HIGH SCHOOLS

APPENDIX 3

BROOKLY ACADEMIC HIGH SCHOOL UTILIZATION 1969-70



BROOKLYN ACADEMIC HIGH SCHOOLS ETHNIC 1969-70



LEGEND
BROOKLYN: ACADEMIC HIGH SCHOOLS

SCHOOL		% N & P	SCHOOL		% N & P
E. DISTRICT -	ED	88.0	F.D.R.	FDR	28.0
JEFFERSON	TJ	86.9	CANARSIE	CH	25.2
BUSHWICK	BH	75.6	MADISON	MAD	24.9
WINGATE	GW	73.6	HAMILTON	FHH	20.3
F.K. LANE	FKL	67.5	MIDWOOD	MID	19.5
JOHN JAY	JJ	53.5	SHEEPSHEAD B	SHP	18.1
ERASMUS	EH	43.7	LINCOLN	LIN	16.9
TILDEN	TH	33.6	LAFAYETTE	LAF	12.1
JOHN DEWEY	JD	32.1	NEW UTRECHT	NW	9.0

DENOTES MID-RANGE

CENTRAL ZONING UNIT
HILLERY C. THORNE, DIRECTOR
Compiled and Computed by: Dr. Shu Ting Hsia
Drawn by: Fermin S. Archer

BOARD OF EDUCATION OF THE CITY OF NEW YORK
School Planning and Research Division
CENTRAL ZONING UNIT
Hillery C. Thorne, Director

October 15, 1969

To: Principals of the Brooklyn Academic High Schools
Presidents of Brooklyn Academic High School Parents' Associations
Chairmen of Brooklyn Local School Boards
Presidents of the Council of Supervisory Associations and of the United Federation of Teachers

Ladies and Gentlemen:

In response to changing conditions and needs, the Office of High Schools must engage in a re-zoning of the Brooklyn Academic High Schools. The persistent factors influencing zoning are school utilization, ethnic balance and pupil welfare. A factor of immediate importance is the projected opening of the South Shore High School in September 1970. It is located at Ralph and Flatlands Avenues. Not immediately pressing although relevant is the anticipated opening of three high schools in Brooklyn in September 1972.

To assist us in this complicated task, the Office of High Schools seeks your advice and counsel as well as statements of the zoning needs of your school or community as you view them.

An exploratory meeting to hear your suggestions will be held on Wednesday, October 22, at 9 A.M. in the library of the Board of Education, 110 Livingston Street, Brooklyn.

It is anticipated that other meetings will be held to permit full discussion leading to conclusions that will reflect the sentiments of the Brooklyn community.

Yours very truly,

Jacob B. Zack
Assistant Superintendent
Office of High Schools

JBZ:gv

APPENDIX E

Sample Listing of Meetings and Conferences

The following is a list of meetings held by the Office of High Schools involving Staff Superintendents, field school personnel, students and community groups in the interest of rezoning the Brooklyn Academic High Schools for September, 1970.

Date of Meeting	Topic or Activity
October 22, 1969	Meeting Re: Preliminary announcements
November 18, 1969	Tour of South Shore area
December 2, 1969	Meeting-Re: Organization of South Shore High School
December 16, 1969	Meeting-Re: South Shore High School and Canarsie High School areas & areas south of Jefferson High School
December 17, 1969	Meeting-Re: Tilden-South Shore zones
December 19, 1969	Re: Proposals for Canarsie High School zoning
December 30, 1969	Meeting Re: Rezoning of Canarsie High School
January 12, 1970	Meeting Re: Rezoning of Canarsie High School
January 19, 1970	Meeting Re: Tilden and South Shore High School zones
February 20, 1970	Meeting Re: Zoning plans
February 24, 1970	Meeting Re: Zoning plans
February 25, 26, 1970	Meeting Re: Tilden High School and South Shore High School areas
March 2, 1970	Meeting Re: High school zone for I.S. 35-K and its high school feeder pattern
March 5, 1970	Meeting Re:Rezoning of Bushwick High School
March 10, 11 & 13, 1970	Meeting Re: Zoning of Ft. Hamilton High School
April 8, 9, 14 & 28, 1970	Meeting Re: Zoning of Ft. Hamilton High School

APPENDIX F

BOARD OF EDUCATION OF THE CITY OF NEW YORK
School Planning and Research Division
CENTRAL ZONING UNIT
Hillery C. Thorne, Director

February 25, 1970

MEMO TO: Mr. Hillery C. Thorne

FROM: Florence Baharenko

SUBJECT: Summary of Suggestions made at Principal's Meeting held on Tuesday, February 24, 1970 at 11 A.M. (On subject of Brooklyn Academic High School Rezoning)

I. Re: Canarsie High School

A. Because of zone line, JH 68 will be a split feeder. How many students will still be sent to Canarsie? (Dorothy Weiss, 1160 East 101 Street, Brooklyn, N.Y. 11136)
B. Suggested to move line to 85 Street so that change in Canarsie will not be so drastic. There will be enough relief given as classes graduate. There is concern over the effect of zone change. Fear was expressed that the school might be "tipped."
C. Feels that no attention was paid to their suggestions.

II. Re: Tilden High School

Children who live on Ralph Avenue were taken out of Tilden and put into South Shore. This was not fair to Tilden.

III. Re: Madison Enclave

The children of this area no longer receive subway tickets and thus are forced to reach school by three busses.

IV. Re: Lincoln High School

Lincoln feels that it was not given enough consideration when Open Admission students were assigned there in view of modernization program planned for 1970-1 school year.

V. Re: Bushwick High School

A. Many of the students of this school probably will not take the option of attending Sheepshead Bay High School
B. Why limit receiving schools to Brooklyn?

Investigate easily accessible schools:

1. Cleveland High School
2. Richmond Hill High School
3. Forest Hills High School
4. Bryant High School

VI. Re: Lafayette High School

This school is next to be modernized, therefore it may not be able to accept the same number of Open Admissions students next year.

VII. Re: Boys' High School

A. Boys' High School is a "dumping ground." The community and staff would like an established zone around Boys' in order to build up academic standards.

B. By designating Boys' as a sending school, the better students may opt for southern schools and thus drain Boys' of academic power.

C. No one was aware that Boys' was going to become co-educational. There is strong opposition (definite refusal) to accepting girls in the school because:

1. "Composition of students in the school."
2. Lack of lavatory, locker and gymnasium facilities for them.
3. No means of a teacher reaching the office from the classroom by an inter-com system.
4. Poor physical condition of building.

VIII. Re: John Jay High School

Fear that Open Admissions may drain Jay of academic power.

IX. Re: South Shore High School

A. Western boundary at 56 Street should be moved five blocks further west to Utica Avenue and south to Avenue U rather than Avenue N. Gentleman said that Canarsie, Mill Basin and Lafayette are in agreement with proposed change.

B. Suggested that Mill Basin children to be given the option of attending either South Shore or Madison.

C. Suggested that zone lines should be moved to the west. Older neighborhoods should benefit from the new school. Send Mill Basin someplace else.

D. Georgetown area on map is blank. There are 650 families in IS-78 and 350 more families are expected to move in soon.

E. IS-78 says their suggestion for South Shore zone was not followed.

1. Did not approve of Flatbush Avenue as western boundary.
2. Suggested East 83 Street for eastern boundary rather than East 90 Street.

F. Local Board #18 feels that no one listened to them.

X. Re: Use of Vocational High Schools

In order to get more space it was suggested that there be drawn a zone around vocational high schools and assign students to these for academic studies. These schools have the staffs to teach academic subjects but often have unused seats.

Florence Bakunenko (Recorder)
Junior Planner

APPENDIX G

MEMORANDUM

March 25, 1970

TO: Mr. Irving Anker
Superintendent of Schools (Acting)

FROM: Mr. Jacob B. Zack
Assistant Superintendent

RE: Re-Zoning of the Brooklyn Academic High Schools for the year 1970-71.

A review of the specific changes being made in the zone lines of these schools must be preceded by some general statements affecting policy and procedure;

that there will have to be an annual review of the zoning of this borough because of population pressure trends and the opening of new schools. A committee of principals and a committee from the City-Wide High School Advisory Council will work together on a continuing basis to establish a rationale as well as a program of rezoning;

that, except in a few instances, students in areas that are heavily over-utilized will be given an open admissions opportunity to schools in other parts of the borough which are not as severely overcrowded;

that the number of seats available in any one high school will be controlled by several factors:

the receiving schools shall not go beyond approximately 140% of utilization and that the ethnic proportions shall be maintained at a viable ethnic distribution of student population;

where utilization falls below these guidelines the effective factor is the ethnic composition of the school;

that another factor is the conversion of existing unzoned high schools to zoned schools which will result in establishing a zone for several high schools which formerly did not have specific boundaries; (for example, Boys High School will be given a fixed zone; but the girls in that area will be zoned for Prospect Heights High School. In both cases students that are required to attend Boys High or Prospect Heights will have open admissions options to schools in the southern tier of Brooklyn. In the case of Prospect Heights, girls who formerly had been attending will continue to have that option.)

that much of the need for such extensive rezoning was caused by a temporary use of enclaves last year which were terminated as of July 1, 1969;

that some tentative commitments that may have been made with regard to the control of the zone for Wingate and Franklin K. Lane had to be modified because of the intolerable over-utilization of a neighboring high school;

that an innovative procedure strongly recommended was that the space available in vocational high schools provide an opportunity to initiate the comprehensive high school idea at this time;

that population pressures of the same extraordinary level compelled use of available seating in one of the Queens high schools;

that a particular element in this rezoning of the borough was the opening of the South Shore High School and the conflicting demands of community groups who made special requests for inclusion or exclusion in the adoption of the final zone of the school.

Basic to this zoning plan is the number of annexes which will be ready for September occupancy. The three schools affected are Eastern District, Bushwick, and Thomas Jefferson High Schools. The viability of the plan would be destroyed if these essential additions of space do not come into being in the September semester.

It is important to emphasize that the zoning plan affects only those students who will enter high school but does not disturb those who are already attending a specific school.

JBZ:hm
Enc. 2

APPENDIX H

BOARD OF EDUCATION OF THE CITY OF NEW YORK
SCHOOL PLANNING AND RESEARCH DIVISION
CENTRAL ZONING UNIT
110 LIVINGSTON STREET, BROOKLYN, N. Y. 11201
TEL. 596-4061, 2, 3

HILLERY C. THORNE
DIRECTOR

April 10, 1970

To: District Superintendents of the Borough of Brooklyn

Re: Academic High School Zone Linesfor September 1970

Ladies and Gentlemen:

I have been instructed by the Office of High Schools to inform you, through the attached description, of the zone lines for September 1970 as approved by Acting Superintendent Irving Anker for academic high schools located in your district.

This is a preliminary notice, which will be followed shortly in more detail by a copy of the official proposals and a map of all Brooklyn Academic zone lines. Also you will find enclosed for information purposes, or any other use to which you wish to put it, a memorandum giving in details the description and procedure for the approved Open Admissions Program (for the junior high schools under your jurisdiction which are involved). This material will be discussed and distributed in larger quantities at a meeting of guidance counsellors (as announced in the relay of April 10) scheduled for Tuesday, April 14.

Yours sincerely,

Hillery C. Thorne
Director of Zoning

HCT:gv

APPENDIX I

HIGH SCHOOL MEMORANDUM 1970-71

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF SENIOR HIGH SCHOOLS
OFFICE OF JUNIOR HIGH SCHOOLS
CENTRAL ZONING UNIT
110 Livingston Street
Brooklyn, New York 11201

TO: Principals of Certain Senior High Schools in Brooklyn
Principals of Certain Junior High Schools in Brooklyn
District Superintendents involved

Re: Open Admissions Program
Junior High School to Senior High School

Ladies and Gentlemen:

A rezoning of the High Schools of Brooklyn has been effected at the direction of the Superintendent of Schools. An Open Admissions Program has been instituted as a part of the rezoning program, to apply to certain high schools.

Pupils eligible to participate in this program are given the opportunity of choosing a "receiving" senior academic high school designated for his home area or of attending his locally zoned senior high school. Assignments will be made, with the parents' or guardians' consent, to the extent that space is available in the receiving high schools.

This program applies to:

(a) Pupils who are presently in the ninth grade of a junior high school and who reside in the zone of Eastern District High School or the NEW zone of Boys High School.

(b) Pupils who are presently in the eighth grade of an intermediate school and who reside in the zone of Eastern District High School or the NEW zone of Boys High School.

N.B. Girls who reside in the NEW zone of Boys High School will attend Prospect Heights High School until the completion of the new Boys High building. They will be eligible to participate in the Open Admissions Program to the same extent as all other pupils residing in that zone.

PROCEDURE AND TIME TABLE

1. Provision should be made immediately for the guidance staff in the sending junior high schools to discuss the Open Admissions Program with the parents or guardians.

2. WEDNESDAY, APRIL 15, 1970

2.1 Sending Junior High Schools will receive from the Central Zoning Unit:

2.1.1 General Circular relative to Open Admissions Program.

2.1.2 Sample application in English and Spanish for duplication in the sending junior high schools.

2.1.3 Sample 'letter to Parent or Guardian' containing the list of receiving senior high schools, in English and Spanish, for duplication in the sending junior high schools.

3. TUESDAY, APRIL 21, 1970

3.1 Sending schools will distribute the following to eligible pupils:

3.1.1. "Letter to Parent or Guardian" with the list of receiving senior high schools.

3.1.2 Application in English and Spanish

3.2 "Letter to Parent or Guardian" with the list of receiving senior high schools and applications are to be mailed to absent pupils on the same day.

3.3 A supply of "Letter to Parent or Guardian" with the list of receiving senior high schools and applications is to be retained in the sending junior high school for distribution to private or parochial school pupils upon request, provided that such pupils meet the eligibility requirements as stated in items "a" and "b" on page 1.

4. MONDAY, APRIL 27, 1970

4.1 Final date for mailing completed applications. The signature of the parent or guardian is required on all applications.

NO APPLICATION POSTMARKED AFTER THIS DATE WILL BE ACCEPTED.

4.2 Applications are to be mailed by the parents directly to:

OPEN ADMISSIONS PROGRAM
BOX 158
TIMES PLAZA STATION
BROOKLYN, NEW YORK

4.3 Assignments will be made to the extent of the availability of seats in the receiving schools. Should applications exceed the number of seats available in a particular receiving school, assignments will then be made on a random sampling basis using authorized statistical tables.

APPROVED:

Jacob Zack
Assistant Superintendent in Charge
Office of High Schools

Joseph L. Brennan
Oscar Dombrow
Superintendents in Office of High Schools

Daniel Schreiber
Assistant Superintendent in Charge
Office of Junior High Schools

Yours Sincerely,

Hillery C. Thorne, Director
Central Zoning Unit

APPLICATION FOR OPEN ADMISSION

1. Applications are to be mailed to:

   Open Admissions Program
   Box 158
   Times Plaza Station
   Brooklyn, New York

2. NO APPLICATION POSTMARKED LATER THAN APRIL 27, 1970 WILL BE ACCEPTED.

3. List your preferences for high school assignment in the spaces provided below. Since the number of seats available in the receiving high schools is limited, it is possible that not everyone will receive the assignment he or she has listed as a first choice.
   It is suggested that you list any alternate choices that are offered in order of your preference (second, third, etc.)

4. You may choose only from among those high schools offered as receiving schools for your school.

5. If admitted to one of the schools listed, your child will be expected to remain there for at least one year.

OPEN ADMISSIONS APPLICATION

Pupil's name (Print) _____ _____
(Last) (First)

Present Junior High School _____ Grade _____

I hereby request that my child, whose name is printed above, be permitted to attend one of the following schools in the order of my preference. (Print the names of the school (s) requested in the spaces below.)

First choice: _____

Second Choice _____

Third Choice _____

Fourth Choice _____

Fifth Choice _____

If a choice application is granted, I agree to abide by the conditions described above.

_____
(Print- Name of Parent)

_____ _____
(Signature of Pupil) (Signature of Parent)

Address _____ Borough _____

NOTE TO PARENT: If you decide to use this application, please mail it as soon as possible but no later than April 27, 1970

OPEN ADMISSIONS PROGRAM
BOX 158
TIMES PLAZA STATION
BROOKLYN 17, NEW YORK

SAMPLE LETTER

(For Eastern District High School Only)

April 9, 1970

To the Parent or Guardian:

Your child will be attending an academic high school in September 1970. At the direction of the Superintendent of Schools, a rezoning of Brooklyn high schools has been effected.

In some instances pupils are being offered placement in certain high schools on an optional basis. Under this Open Admissions Program your child may attend:

1. The high school which is zoned to serve the area of your residence
   Eastern District High School
   or

2. To the extent that space is available, one of the academic high schools listed below.

In some schools space is limited. We therefore suggest that you indicate several choices in order of your preference, when you fill out your application.

You may choose only from those schools listed in this letter.

Fort Hamilton High School
8301 Shore Road
Brooklyn, N. Y. 11209

Franklin D. Roosevelt High School
5800 20th Avenue
Brooklyn, N. Y. 11204

If you wish your child to attend one of the schools listed above, fill out the attached "Application For Open Admissions". Mail it not later than April 27, 1970 to

OPEN ADMISSIONS PROGRAM
BOX 158
TIMES PLAZA STATION
BROOKLYN, N. Y. 11217

SAMPLE LETTER

(For Boys High School)

April 9, 1970

To the Parent or Guardian:

Your child will be attending an academic high school in September 1970. At the direction of the Superintendent of Schools, a rezoning of Brooklyn high schools has been effected.

In some instances pupils are being offered placement in certain high schools on an optional basis. Under this Open Admissions program your child may attend:

1. The high school which is zoned to serve the area of your residence.
   BOYS HIGH SCHOOL (BOYS)
   PROSPECT HEIGHTS HIGH SCHOOL (GIRLS)
   Or
2. To the extent that space is available, one of the academic high schools listed below.

In some schools space is limited. We therefore suggest that you indicate several choices in order of your preference, when you fill out your application.

You may choose only from those schools listed in this letter.

Abraham Lincoln High School
Ocean Parkway & West Avenue
Brooklyn, N. Y. 11235

Lafayette High School
2630 Benson Avenue
Brooklyn, N. Y. 11214

Midwood High School
Bedford Avenue & Glenwood Road
Brooklyn, N. Y. 11210

New Utrecht High School
1601 80th Street
Brooklyn, N. Y. 11214

Sheepshead Bay High School
3000 Avenue X
Brooklyn, N. Y. 11235

If you wish your child to attend one of the schools listed above, fill out the attached "Application For Open Admissions". Mail it not later than April 27, 1970 to

OPEN ADMISSIONS PROGRAM
BOX 158
TIMES PLAZA STATION
BROOKLYN, N. Y. 11217

BOYS HIGH SCHOOL

El 9 de Abril de 1970

A los padres o guardianes:

Su hijo asistira a la escue ; superior académica en septiembre de 1970. Por instrucciones del superintendente interino se efectuara cambios en las líneas demarcatorios de las escuelas superiores de Brooklyn.

En algunos instantes, a los alumnos se los ofrecerán puestos en ciertas escuelas a base de opción. Bajo este Programa de Matrícula Abierta su hijo puede asistir a:

1. La escuela que oficialmente está asignada para el área de su re residencia.

BOYS HIGH SCHOOL (BOYS) PROSPECT HEIGHTS HIGH SCHOOL (GIRLS)

o

2. Una de las escuelas secundarias académicas indicadas abajo, según el espacio que haya.

En algunas escuelas, el espacio está limtado. Por eso, le sugerimos que indique varias selecciones en orden de su preferencia, cuando llena la solicitud.

Pueda ud. escoger únicamente de la lista indicada en esta carta;

Abraham Lincoln High School
Ocean Parkway & West Ave.
Bklyn, N. Y. 11235

Lafayette High School
2630 Benson Ave.
Bklyn, N. Y. 11214

Midwood High School
Bedford Ave. & Glenwood Road
Bklyn, N. Y. 11210

New Utrecht High School
1601 80th St.
Bklyn, N. Y. 11214

Sheepshead Bay High School
3000 Ave. X
Bklyn, N. Y. 11235

Si usted desea que su hijo asista a una de las escuelas aquí indicada, sírvase llenar la solicitud adjunta y envíela a más tardar el 27 de abril de 1970 a la siguiente dirección.

BOX 158
TIMES PLAZA STATION
BKLYN, N. Y. 11217

EASTERN DISTRICT

El 9 de Abril de 1970

A los padres o guardianes:

Su hijo asistirá a la escuela superior académica en septiembre de 1970. Por instrucciones del superintendente interino se efectuará cambios en las líneas demarcatorios de las escuelas superiores de Brooklyn.

En algunos instantes, a los alunmos se los ofrecerán puestos en ciertas escuelas a base de opción. Bajo este Programa de Matrícula Abierta su hijo puede asistir a:

1. La escuela que oficialmente está asignada para el área de su residencia.
   Eastern District High School
   o
2. Una de las escuelas secundarias académicas indicadas abajo, según el espacio que haya.

En algunas escuelas, el espacio está limtado. Por eso, le sugerimos que indique varias selecciones en orden de su preferencia, cuando llena la solicitud.

Pueda Ud. escoger únicamente de la lista indicada en esta carta.

Fort Hamilton High School
8301 Shore Road
Bklyn, N. Y. 11209

Franklin D. Roosevelt High School
5800 20th Ave.
Bklyn, N. Y. 11204

Si usted desea que su hijo asista a una de las escuelas aquí indicada, sírvase llenar la solicitud adjunta y envíela a más tardar el 27 de abril de 1970 a la siguiente dirección.

BOX 158
TIMES PLAZA STATION
BKLYN, N. Y. 11217

BOARD OF EDUCATION OF THE CITY OF NEW YORK
110 LIVINGSTON STREET, BROOKLYN, NEW YORK 11201
OFFICE OF INTERGROUP EDUCATION

STANLEY H. KORNHAUSER
PROGRAM ADMINISTRATOR
STATE INTEGRATION FUND PROJECTS
596-3100

LYNETTE V. TUCKER
DIRECTOR (ACTING)
596-6092

JOSE A. VAZQUEZ
ASSISTANT ADMINISTRATIVE DIRECTOR
BI-LINGUAL PROGRAM
SCHOOL AND COMMUNITY
596-8961

Report on Field Activities in Reference to the Rezoning of Brooklyn Academic High Schools

In addressing the parents I firstly greeted them in both English and Spanish. I thanked them for coming to the meeting and asked them to allow me to speak to them in both languages.

Secondly, I introduced myself, in English, not as an expert from the Board of Education, but as a Puerto Rican Mother who had struggled to educate 3 children and who had to face many problems in order to do so. This was well received and seemed to clear the air.

Next I gave them the reasons why they had to send their children to other high schools. I did not use the terms over or under utilization. I simply told them that the reasons were the following:

1. Some High Schools have too many children and not enough seats; other high schools with fewer children had extra seats, so that these seats were available for those children whose schools had no seats for them.

2. They, the parents, themselves had gotten together and asked that their children be sent to less crowded schools.

I emphasized the fact that these schools which had space available for their children offered excellent programs of instruction and many valuable activities.

Then I told them that no matter what anyone said, no one loved their children as they did and that it was their responsibility to see that these children received the best education possible as this was the only inheritance that they could leave them. I emphasized the importance of education in getting the children out of the ghetto and insuring

a better future and an easier life.

As to the fact that the receiving schools were farther away, I said to them that this was a minor thing when it was a matter of giving their children a good education. I also said that it was good for their children to learn to travel by themselves, that they needed to loosen them from their apron strings and allow them to stand on their own; that finally they would have to do so whether they liked it or not as these children were reaching the age when they wanted to be more independent. I told them of my own experiences as a student in Puerto Rico when for lack of carfare many times I had to walk from one town to another and stay in school from 8:30 to 4:00 without eating lunch as none was provided at that time. Then, I said: "As you can see I did not die because of this". They laughed and after that they became very receptive and accepted graciously our offerings.

During the question and answer period I reassured them that efforts would be made with the receiving schools in order that they and their children be welcomed. I also spoke of the program of activities that the receiving schools would carry out in order to help their children adjust smoothly to the other school environment. This program would involve the bilingual staff and students, Parents Association, and interested community leaders.

Respectfully submitted by,

Clara Casanova

Clara Casanova
Coord. of Hispanic Culture
& History

CC:gl

APPENDIX K

SUMMARY - EFFECTS OF REZONING AND OPEN ADMISSIONS PROGRAM

		OCTOBER 1969			1970 PROJECTION WITHOUT ZONE CHANGES			1970 PROJECTION-NEW ZONES BUT NO OPEN ADMISSIONS			1970 PROJECTION-NEW ZONES AND OPEN ADMISSIONS		
SCHOOL	CAPACITY	ENROLLMENT	% UTIL.	%"OTHERS"	ENROLLMENT	% UTIL.	%"OTHERS"	ENROLLMENT	% UTIL.	%"OTHERS"	ENROLLMENT	% UTIL.	% O
A. Lincoln	3043	4045	132.9	83.1	3773	124.	80.	SAME			3926	129.	77
BUSHWICK	2041	3389	166.0	24.4	4103	201.	22.	3352	164.	24.	SAME		
CANARSIE	2998	4986	166.3	74.8	5198	173.	72.	4889	163.	70.	SAME		
EAST DIST.	1698	2972	175.6	12.0	Cap. 2098 3668	175.	10.	3668	175.	10.	3230**	154.	12
ERASMUS	4478	5429	121.2	56.3	5438	114.	53.	SAME			SAME		
FT. HAMILTON	2589	3819	147.5	79.7	4109	159.	77.	3980	154.	76.	4206	163.	72
F.D.ROOSEVELT	3218	3482	108.2	72.0	3428	104.	71.	3694	115.	72.	3967	123	67
F.K. LANE	4315	4875	113.0	32.5	5171	120.	29.	4942	115.	30.	4903	114	30
WINGATE	2855	2658	93.1	26.4	2615	92.	22.	2786	98.	21.	SAME		
MADISON	3527	4719	133.8	75.1	4718	134.	70.	4450	126.	68.	SAME		
SOUTH SHORE	4048	----	----	----	1612	40.	[illegible]	SAME			SAME		
JOHN JAY	3334	4883	146.5	46.5	5397	162.	[illegible]	SAME			SAME		
LAFAYETTE	3632	4695	129.3	87.9	4755	127.	[illegible]	4700	129.	86.	5066	140.	80
MIDWOOD	2810	4061	144.5	80.5	3794	135.	79.	3708	132.	79.	3965	141.	74
NEW UTRECHT	2830	3982	140.7	91.0	3988	141.	86.	3846	136.	86.	4105	145.	81.
TILDEN	3235	3936	121.7	66.4	4074	126.	60.	3465	107.	63.	SAME		
SHEEPSH'D BAY	3548	4318	121.7	81.9	4145	118.	81.	SAME			4503	127.	75
JEFFERSON	2875	4667	162.3	13.1	5154	179.	11.	4702	163.	12.	SAME		
PROSPT. HGTS	2536	2779	109.6	10.6	3221	127.	12.	4144	164.	10.	3402**	134	11
BRYANT*	3608	4137	114.7	83.5	4141	115.	80.	4393	122.	77.	SAME		
BOYS HIGH	2368	2626	110.9	1.6	2580	109.	3.	2848	120.	2.	2136**	90	2

* QUEENS

**DATA INCOMPLETE

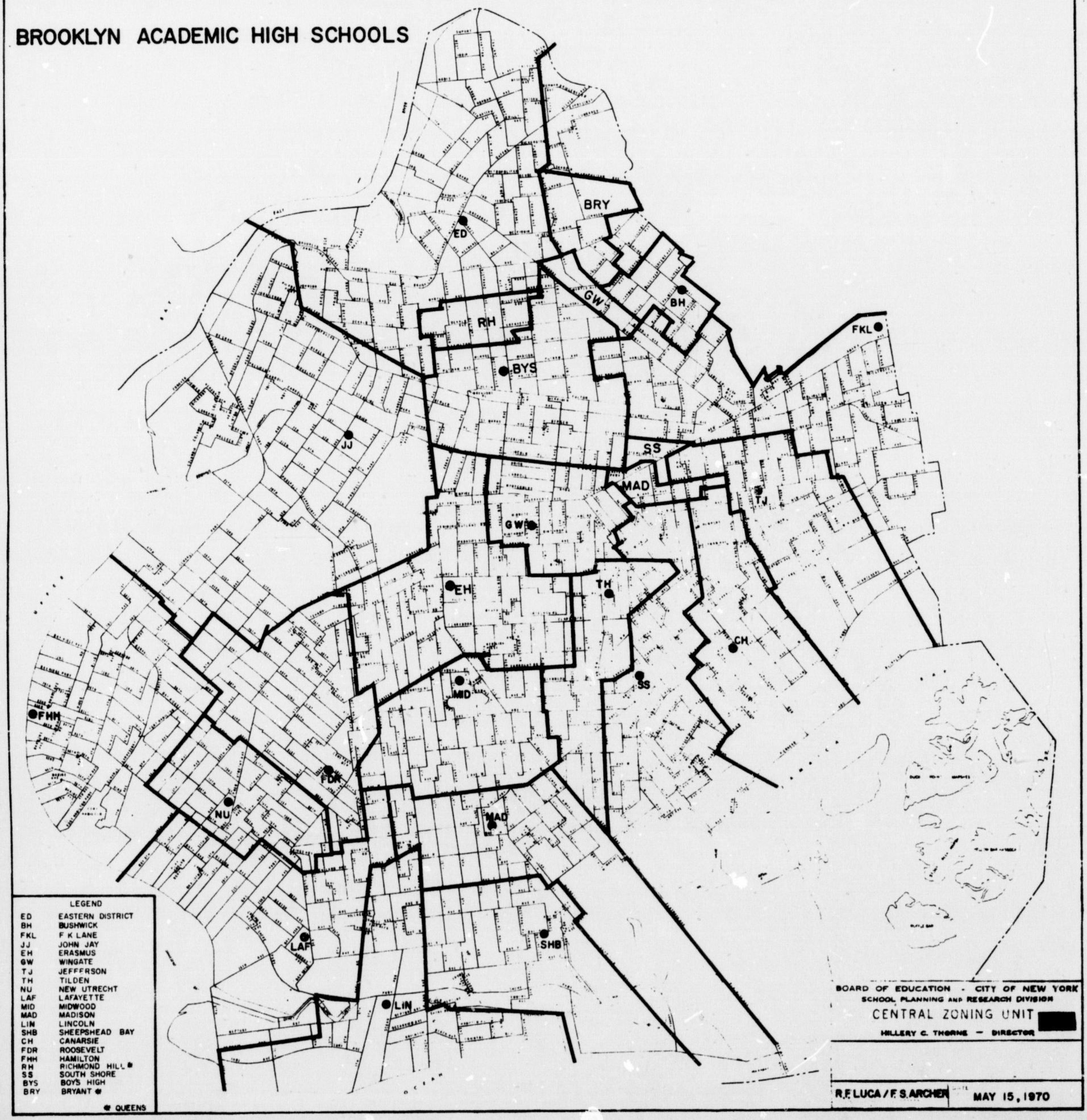
SUMMARY - EFFECT OF OPEN ADMISSION HIGH SCHOOLS

	OCT. 1969		1970 PROJECTIONS (INCLUDING ALL CHANGES)		
SENDING SCHOOLS	UTIL.	% "OTHERS"	UTIL.	% "OTHERS"	ESTIMATES OF STUDENTS SENT OR RECEIVED
Eastern District **	156.6	12.0	154 *	12	438
Boys' High **	110.9	1.6	90	2	712
Prospect Heights **	109.6	10.6	134	11	742
					Total 1892
RECEIVING SCHOOLS					
Ft. Hamilton	147.5	79.7	163	72	226
F. D. Roosevelt	108.2	72.0	123	67	273
A. Lincoln	132.9	83.1	129	77	153
Lafayette	129.3	87.9	140	80	366
Midwood	144.5	80.5	141	74	257
New Utrecht	140.7	91.0	145	81	259
Sheepshead Bay	121.7	81.9	127	75	358
					Total 1892

* Includes an increase in capacity of 200 seats

** Data incomplete

BROOKLYN ACADEMIC HIGH SCHOOLS



LEGEND

ED	EASTERN DISTRICT
BH	BUSHWICK
FKL	F K LANE
JJ	JOHN JAY
EH	ERASMUS
GW	WINGATE
TJ	JEFFERSON
TH	TILDEN
NU	NEW UTRECHT
LAF	LAFAYETTE
MID	MIDWOOD
MAD	MADISON
LIN	LINCOLN
SHB	SHEEPSHEAD BAY
CH	CANARSIE
FDR	ROOSEVELT
FHM	HAMILTON
RH	RICHMOND HILL *
SS	SOUTH SHORE
BYS	BOYS HIGH
BRY	BRYANT *

* QUEENS

BOARD OF EDUCATION - CITY OF NEW YORK
SCHOOL PLANNING AND RESEARCH DIVISION
CENTRAL ZONING UNIT [redacted]
HILLERY C. THORNE — DIRECTOR

R.F.LUCA / F.S.ARCHER — MAY 15, 1970

Exhibit VI Annexed to Affidavit of Irving Anker

1971-1972 Plan

(See Opposite ☞)

HIGH SCHOOL MEMORANDUM (1971-72)

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF HIGH SCHOOLS
OFFICE OF INTERMEDIATE AND JUNIOR HIGH SCHOOLS
CENTRAL ZONING UNIT
110 Livingston Street
Brooklyn, New York 11201

TO: Community School Board Chairmen, Brooklyn
Community Superintendents, Brooklyn
Principals of Academic High Schools, Brooklyn
Principals of Junior High and Intermediate Schools, Brooklyn

SUBJECT: Open Admissions Program - Junior High and Intermediate Schools to Academic High Schools in the borough of Brooklyn.

Ladies and Gentlemen:

An Open Admissions Program has been instituted to apply to certain academic high schools in the borough of Brooklyn. This plan has been developed in an attempt to secure appropriate building utilization and to assure an integrated school population, as widely as possible, in the borough of Brooklyn.

Pupils eligible to participate in the Open Admissions Program will be given the opportunity to indicate their choice of schools in a given cluster of high schools. The students may, if they prefer, attend their locally zoned academic high schools.

Assignments will be made with the consent of the parent or guardian to the extent that space is available in the "receiving"high schools.

The following is an outline of the Open Admissions Program:

1 - Students attending I.S. 320K and J.H.S. 61K, who reside in the zone of Erasmus Hall High School will indicate their preference from among the following:

Abraham Lincoln High School
Lafayette High School
Sheepshead Bay High School
James Madison High School
Midwood High School

OR

Erasmus Hall High School

It is urged that each student list all five choices in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

2 - The present South Shore High School enclave will become part of the Thomas Jefferson High School zone. Students who reside in this area will indicate their preference from among the following:

South Shore High School
James Madison High School
Midwood High School
Sheepshead Bay High School

OR

Thomas Jefferson High School

It is urged that each student list all four choices in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

3 - The present James Madison High School enclave will become part of the George W. Wingate High School zone. Students who reside in this area will indicate their preference from among the following:

South Shore High School
James Madison High School
Midwood High School
Sheepshead Bay High School

OR

George W. Wingate High School

It is urged that each student list all four choices in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

4 - Students attending I.S. 271K and I.S. 55K, who reside in the zone of Franklin K. Lane High School, will indicate their preference from among the following:

South Shore High School
James Madison High School
Midwood High School

OR

Franklin K. Lane High School

It is urged that each student list all three choice in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

5 - The present George W. Wingate High School enclave will become part of the Bushwick High School zone.

6 - The zone for Boys High School will remain unchanged. Students residing in this zone, both boys and girls, will indicate their preference from among the following:

Midwood High School
Sheepshead Bay High School
Abraham Lincoln High School
New Utrecht High School
James Madison High School
South Shore High School

OR

Boys High School (boys only)
Girls who wish to enter an all-girls school will be assigned to either Prospect Heights High School or Bay Ridge High School.

It is urged that each student list all six choices in order of his preference.
Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

7 - Students residing in the zone of Eastern District High School may indicate a preference between the following:

Fort Hamilton High School
Franklin D. Roosevelt High School

OR

Eastern District High School

It is urged that each student list both schools in order of his preference.

Space has been made available in each "receiving" school on the basis of utilization and ethnicity. Assignments will be made on the availability of seats and geographic location.

PROCEDURE AND TIMETABLE

1. Provision should be made immediately for the guidance staff in the "sending" intermediate and junior high schools to discuss the Open Admissions Program with parents and guardians.
   APR. 5 1971
2. MONDAY, MARCH 29, 1971
   2.1 Sending schools will receive from the Office of High Schools
   2.1.1. High School Memorandum describing Open Admissions Program
   2.1.2. Sample application in English/Spanish to be duplicated by the "sending schools"
   2.1.3. Sample letters to parent/guardian containing the list of "receiving" high schools in English/Spanish for duplication in the "sending" schools.

3. MONDAY, APRIL 5, 1971
   3.1 Sending schools will distribute the following to eligible pupils.
   3.1.1. "Letter to Parent or Guardian" with the list of receiving academic high schools.
   3.1.2. Applications in English and Spanish.
   3.2 "Letter to Parent or Guardian" with the list of receiving academic high schools and applications are to be mailed to absent pupils on the same day.
   3.3 A supply of "Letter to Parent or Guardian" with the list of receiving academic high schools and applications is to be retained in the sending intermediate and junior high schools for distribution to private and parochial school pupils upon request, provided such pupils meet the eligibility requirements as outlined on pages 1 and 2.

4. FRIDAY, APRIL 16, 1971
   4.1 Final date for mailing applications. The signature of the parent or guardian is required on all applications.

   NO APPLICATION POSTMARKED AFTER THIS DATE WILL BE ACCEPTED

   4.2 Applications are to be mailed by the parents/guardians to:

   OPEN ADMISSIONS PROGRAM
   BOX 158
   TIMES PLAZA STATION
   BROOKLYN, NEW YORK 11217

   4.3 Assignments will be made to the extent of the availability of seats in the receiving schools. Should applications exceed the number of seats available in a particular receiving school, assignments will then be made on a random sampling basis using authorized statistical tables.

Yours sincerely,

Approved:

Irving Anker
Deputy Chancellor

Hillery C. Thorne, Director
Central Zoning Unit

Jacob Zack, Ass't. Supt.
Co-ordinator, Office of High Schools

Joseph L. Brennan, Ass't. Supt.
Oscar Dombrow, Ass't. Supt.
Office of High Schools

Daniel Schreiber, Ass't. Supt.
Office of Junior High Schools

APPLICATION FOR OPEN ADMISSION

1. Applications are to be mailed to:

   Open Admissions Program
   Box 158
   Times Plaza Station
   Brooklyn, New York

2. NO APPLICATION POSTMARKED LATER THAN APRIL 16, 1971 WILL BE ACCEPTED.

3. List your preferences for high school assignment in the spaces provided below.

4. You may choose only from among those high schools offered as receiving schools for your school.

5. If admitted to one of the schools listed, your child will be expected to remain for at least one year.

OPEN ADMISSIONS APPLICATION

Pupil's Name (Print)_____ _____
(Last) (First)

Present Junior High School No._____Grade_____Class_____

I hereby request that my child, whose name is printed above, be permitted to attend one of the following schools in the order of my preference.
(Print the names of the school (s) requested in the spaces below.)

First Choice_____

Second Choice_____

Third Choice_____

Fourth Choice_____

Fifth Choice_____

SIXTH Choice_____

_____
(Print - Name of Parent)

_____
(Signature of Pupil)

_____
(Signature of Parent)

Address_____

RETURN THIS SECTION TO YOUR COUNSELOR

Pupils Name_____Class_____

First Choice_____

Second Choice_____

Third Choice_____

Fourth Choice_____

Fifth Choice_____

SIXTH Choice_____

_____ _____
(Signature of Pupil) (Signature of Parent)

SAMPLE LETTER

Date

To the Parent or Guardian:

Your child will be attending an academic high school in September 1971. At the direction of the Chancellor, an adjustment of Brooklyn high school zones and feeder patterns has been effected.

In some instances pupils are being offered placement in certain high schools on an optional basis. Under this Open Admissions Program your child may attend:

1. The high school which is zoned to serve the area of your residence

   (Insert name of proper high school in this space)

   OR

2. To the extent that space is available, one of the academic high schools listed below.

   In some schools space is limited. We therefore suggest that you indicate several choices in order of your preference, when you fill out your application.

   You may choose only from those schools listed in this letter.

   (LIST IN THIS SPACE APPROPRIATE RECEIVING HIGH SCHOOLS WHICH APPLY TO YOUR JUNIOR HIGH OR INTERMEDIATE SCHOOL AS STATED ON PAGES 1 AND 2 OF THE HIGH SCHOOL MEMORANDUM)

If you wish your child to attend one of the schools listed above, fill out the attached "Application For Open Admissions." Mail it not later than April 16, 1971 to:

OPEN ADMISSIONS PROGRAM
BOX 158
TIMES PLAZA STATION
BROOKLYN, N. Y. 11217

SAMPLE LETTLR

El 1º de Abril de 1971

A los padres o guardianes:

Su hijo asistirá a la escuela superior académica en septiembre de 1970. Por instrucciones del se efectuará algunos cambios en la manera asignacion de alumnos en las escuelas superiores de Brooklyn

En algunos instantes a los alumnos se los ofrecerán puestos en ciertas escuelas a base de opción. Bajo este Programa de Matrícula Abierta su hijo puede asistir a:

1. La escuela que oficialmente está asignada para el área de su residencia.

(Insert name of proper high school in this space)

2. Una de las escuelas secundarias académicas indicadas ajajo, según el espacio que haya.

En algunas escuelas, el espacio está limtado. Por eso, le sugerimos que indique varias selecciones en orden de su preferencia, cuando llena la solicitud.

Pueda ud. escoger únicamente de la lista indicada en esta carta;

(LIST IN THIS SPACE APPROPRIATE RECEIVING HIGH SCHOOLS WHICH APPLY TO YOUR JUNIOR HIGH OR INTERMEDIATE SCHOOL AS STATED ON PAGES 1 AND 2 OF THE HIGH SCHOOL MEMORANDUM)

Si usted desea que su hijo asista a una de las escuelas aquí indicada, sirvase llenar la solicitud adjunta y enviela a más tardar el 16 de abril de 1971 a la siguiente direccion.

BOX 158
TIMES PLAZA STATION
BKLYN, N.Y. 11217

HIGH SCHOOL MEMORANDUM 1971-72

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF HIGH SCHOOLS
OFFICE OF INTERMEDIATE AND JUNIOR HIGH SCHOOLS
CENTRAL ZONING UNIT
110 Livingston Street
Brooklyn, New York 11201

TO: Community School Board Chairmen, Brooklyn
Community Superintendents, Brooklyn
Principals of Certain Academic High Schools, Brooklyn
Principals of I.S. 293K; J.H.S. 136K; J.H.S. 142K; J.H.S. 294K

SUBJECT: Choice of Admissions Program for John Jay High School

Ladies and Gentlemen:

A Choice of Admissions Program has been instituted to apply to certain academic high schools in the Borough of Brooklyn. This plan was developed in an attempt to secure relief for John Jay High School from an overutilized situation which has reached unmanageable and dangerous proportions.

The following schools have been removed from the feeder pattern of John Jay High School in order to reduce the entering class to a viable number.

I.S. 293K; J.H.S. 136K; J.H.S. 142K; J.H.S. 294K

The students who would normally enter John Jay High School from these schools will be permitted to make a choice of admission to one of the schools in the cluster listed below.

Fort Hamilton High School
Franklin D. Roosevelt High School
Lafayette High School
New Utrecht High School

It is urged that each student list all four schools in order of his preference. Every effort will be made to assign pupils to schools of their first choice. However, since seats are limited in some instances, a method of random selection will be used when requests exceed availability.

USE ONLY THE YELLOW APPLICATION FORMS WHICH ARE PROVIDED FOR THIS PROGRAM.

PROCEDURE AND TIME-TABLE

1. Provision should be made immediately for the guidance staff in each intermediate and junior high school involved to discuss the Choice of Admission Program with parents and guardians.

2. COLLECTION OF APPLICATIONS

2.1 Each guidance counsellor is requested to collect the completed applications in his school. Please be certain that an application is on file for every student - including absentees.

2.1.1 Return applications by messenger as soon as possible, prior to the closing date for filing (April 16, 1971) to:

Board of Education
110 Livingston Street
Brooklyn, N.Y. 11201
Room 515

2.1.2 When a final delivery of applications is made your package should contain a list of all pupils who have not returned signed applications.

2.1.3 Students who do not return applications will be assigned to remaining existing vacancies in the receiving high schools.

3.

3.1 Sending Schools will receive from the Office of High Schools:

3.1.1 High School Memorandum describing Choice of Admissions Program.

3.1.2 A supply of applications to be used for Choice of Admissions Program.

3.1.3 Sample letters to parent/guardian in English/Spanish containing list of receiving high schools for duplication in the sending schools.

4. MONDAY, APRIL 5, 1971

4.1 Sending schools will distribute the following to eligible pupils.

4.1.1 "Letter to Parent or Guardian" with the list of receiving academic high schools.

4.1.2 Applications in English and Spanish

4.2 "Letter to Parent or Guardian" with the list of receiving academic high schools and applications are to be mailed to absent pupils on the same day.

4.3 A supply of "Letter to Parent or Guardian" with the list of "receiving" academic high schools and applications is to be retained in the sending intermediate and junior high schools for distribution to private and parochial school pupils upon request, provided such pupils meet the eligibility requirements as outlined on page 1.

Yours sincerely,

Hillery C. Thorne, Director
Central Zoning Unit

Approved:

Jacob Zack, Ass't. Supt.
Co-ordinator, Office of High Schools

Irving Anker
Deputy Chancellor

Joseph L. Brennan, Ass't. Supt.
Oscar Dombrow, Ass't. Supt.
Office of High Schools

Daniel Schreiber, Ass't. Supt.
Office of Junior High Schools

(DATE)_____

TO THE PARENT OR GUARDIAN:

Your child will be attending an academic high school in September 1971. At the direction of the Chancellor, an adjustment in the feeder pattern of John Jay High School was effected. This was necessary in order to prevent a dangerous overloading of this school which is now functioning far above its normal capacity.

Pupils graduating from I.S. 293-K, J.H.S. 136-K, J.H.S. 142-K and J.H.S. 294-K, cannot be accommodated at John Jay High School. They will be given the opportunity to attend:

Fort Hamilton High School
Franklin D. Roosevelt High School
Lafayette High School
New Utrecht High School

You are requested to indicate your choice of assignment, in order of preference, on the attached application.

PLEASE LIST ALL FOUR SCHOOLS IN ORDER OF YOUR PREFERENCE

As far as possible, an attempt will be made to assign a pupil to his first choice.

Return the signed application to your child's guidance counsellor immediately.

(Date)

Queridos padres:

Su hijo va a assistir a una escuela superior en septeiembre de 1971. Por instrucciones del Canciller, se efectuará una modificación en la forma de asignar a los alumnos a John Jay High School. Es necesario llevar este plan a cabo para evitar una sobre utilización peligrosa del espacio en esta escuela que actualmente funciona a una capacidad fuera de lo normal.

No se aceptará en septiembre de 1971 a los graduandos de I.S. 293-K, J.H.S. 136-K, J.H.S. 142-K y J.H.S. 294-K en la escuela superior llamada JOHN JAY, pero tendrán la oportunidad de asistir a una de las escuelas siguientes:

Fort Hamilton High School
8301 Shore Road
Brooklyn, N.Y. 11209

Franklin D. Roosevelt High School
5800 20th Avenue
Brooklyn, N.Y. 11204

Lafayette High School
2630 Benson Avenue
Brooklyn, N.Y. 11214

New Utrecht High School
1601 80th Street
Brooklyn, N.Y. 11214

Sírvase indicar las 4 escuelas pero en orden de su proferencia, en la solicitud adjunta.

En lo posible, trataremos de colocar a su hijo (a) en la escuela de su primera preferencia.

Sírvase devolver inmediatamente la solicitud con su firma al consejero de su hijo (a).

Exhibit VII Annexed to Affidavit of Irving Anker

Ethnic and Utilization Statistics for Brooklyn High Schools

(See Opposite ☞)

~~DISTRICT NO.~~ BOROUGH BROOKLYN

LEVEL HIGH SCHOOLS

C/B1/71

1	2	3	4	5	6	7	8	9	10	11	12	13
		PROJECTED FOR Sept. 1971		ETHNIC		PROJECTED FOR 9/71 with all changes		ETHNIC		MINI-SCHOOLS ANNEXES & RENTED SPACE IN CAPACITY	LOSS OR GAIN FROM OPTN ADMISSIONS	~~ADDITIONS~~ CHANGES
SCHOOL	CAPACITY	REGISTER	% UTIL.	NO. "OTHERS"	% "OTHERS"	REGISTER	% UTIL.	NO. "OTHERS"	% "OTHERS"			
Lincoln	3043	4277	140.6	3246	75.9	4422	145.3	3246	73.4		+145	
Boys	2368	3108	131.3	46	1.5	2603	109.9	46	1.8		-505	
Bushwick	2461	2537	103.1	504	19.9	2637	99.8	524	19.9	420	0	GAINS 100 FROM PS
Canarsie	2993	4940	164.8	3361	68.0	4940	164.8	3361	68.0		0	
Eastern District	2233	3406	152.5	318	9.3	3186	142.7	318	10.0	335	-220	
Erasmus Hall	4763	5688	119.4	2466	43.4	5561	116.8	2466	44.3	235	-127	
Ft. Hamilton	2599	3430	132.5	2661	77.6	3630	140.2	2661	73.3		+200	
F.D.R.	3218	3884	120.7	2744	70.6	4084	126.9	2744	67.2		+200	
F.K.Lane	4358	5121	117.5	1078	21.1	4966	114.0	1078	21.7		-155	
George Wingate	2855	2876	100.7	556	19.3	3005	105.3	545	18.1		-127	LOSES 100 TO [illegible] GAINS 354 FROM [illegible]
James Madison	3390	4239 ~~3887~~	125.0 ~~114.5~~	2694 2685	63.6 ~~69.1~~	4202	124.0	2685	63.9	339	+319	LOSES 354 TO [illegible]
John Jay w/Wingate	3334 3934	5942	178.2 151.0	2692	45.3	5476	164.2 139.2	2692	49.2	POSSIBLE ANNEX OF GOD	-466	
Lafayette	3632	4828	132.9	4034	83.6	5025	138.4	4034	80.3		+197	
Midwood	2994	4040	134.9	3019	74.7	4265	142.5	3019	70.8		+225	
New Utrecht	2830	3982	140.7	3338	83.8	4232	149.5	3338	78.9		+250	
Prospect Heights	2525	4164	164.2	257	6.2	3658	144.2	257	7.0		-506	

EXHIBIT "A"

TU 634 - 500
/31/71

BOROUGH BROOKLYN

LEVEL HIGH SCHOOLS

1	2	3	4	5	6	7	8	9	10	11	12	13
		PROJECTED FOR 9/71		ETHNIC		PROJECTED FOR		ETHNIC		MINI-SCHOOLS ANNEXES & RENTED SPACE	LOSS OR GAIN FROM OPEN ADMISSION	~~ZONE~~ ENCLAVE CHANGES
SCHOOL	CAPACITY	REGISTER	% UTIL.	NO. "OTHERS"	% "OTHERS"	REGISTER	% UTIL.	NO. "OTHERS"	% "OTHERS"			
Samuel Tilden	3235	3493	108.0	2045	58.5	3493	108.0	2045	58.5		0	
Sheepshead Bay	3513	4476	126.2	3420	76.4	4826	136.0	3420	70.9		+350	
South Shore	4048	3022 [illegible]	74.6 [illegible]	2152 [illegible]	66.8 [illegible]	3315	81.9	2152	64.9		+277	LOSES 134 TO [illegible]
Thomas Jefferson	3799	4403	115.9	323	7.3	4530	119.2	323	7.1	924	-57	GAINS 184 FROM [illegible]
John Dewey	3084	2798	91.3	1902	68.0	2798	91.3	1902	68.0		0	
Bay Ridge	2600	2702	103.7	1237	45.8	2702	103.7	1239	45.8	1011	0	
Totals	70,502	87,556 [illegible]	124.2 [illegible]	44,093 [illegible]	50.4 [illegible]	87,556	124.2	44,093	50.4	3914	0	

June 11, 1971

EU 154
7/31/71 - 500

47a - 48a — 50a

Exhibit IX Annexed to Affidavit of Irving Anker

School Population—Ethnic Distribution

(See Opposite ☞)

BOARD OF EDUCATION--CITY OF NEW YORK

Central Zoning Unit

School Population- Ethnic Distribution

Division Academic High Schools (composite)

Area Queens

Year	Population Distribution						
		Number			Percent		
	Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1961	53,618	3639	408	49,571	6.8	0.8	92.4
1962	55,708	4279	469	50.963	7.7	0.8	91.5
1963	54,431	5034	574	48,823	9.2	1.1	89.7
1964	54,142	6593	850	46.699	12.2	1.6	86.2
1965	56,918	8887	1609	46,423	15.6	2.8	81.6
1966	61,889	10,237	2637	49,016	16.5	4.3	79.2
1967	64,544	11,750	2281	50,513	18.2	3.5	78.3
1968	65,863	13,273	1679	50,911	20.2	2.5	77.3
1969	64,243	13,611	1838	48,794	21.2	2.9	75.9
1970	65,649	15,421	2222	47,006	23.5	3.4	73.1

EXHIBIT "IX"

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School William Cullen Bryant

Borough Queens

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3608	113.0	4076	354	226	3496	8.7	5.5	85.8
1969	3608	114.2	4139	449	235	3453	10.8	5.7	83.5
1970	3608	122.7	4428	626	368	3434	14.1	8.3	77.6

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School SPRINGFIELD GARDENS

Borough QUEENS

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3992	139.8	4502	1604	66	2932	34.9	1.4	63.7
1969	3301	130.1	4375	1655	69	2623	37.7	1.5	60.8
1970	3301	132.8	4385	1800	78	2507	41.0	1.8	57.2

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Richmond Hill

Borough Queens

District

Asst. Supt.

Year	Capacity *	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3033	103.9	3156	635	146	2375	20.1	4.6	75.3
1969	3037	107.1	3254	733	204	2317	22.5	6.3	71.2
1970	3037	113.4	3443	829	249	2365	24.1	7.2	68.7

* With annex.

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Newtown

Borough Queens

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3534	148.3	5240	569	127	4544	10.9	2.4	86.7
1969	3534	149.3	5277	526	155	4596	10.0	2.9	87.1
1970	3534	148.4	5246	461	105	4680	8.8	2.0	89.2

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Martin Van Buren

Borough Queens

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3468	121.8	4399	634	17	3746	14.4	0.4	85.2
1969	3468	116.5	4040	684	35	3321	16.9	0.9	82.2
1970	3468	121.9	4232	888	37	3307	21.0	0.9	78.3

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Long Island City

Borough Queens

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	1749	137.0	2394	298	156	1896	14.3	6.5	79.2
1969	1749	151.4	2645	325	199	2121	12.3	7.5	80.2
1970	1749	151.9	2653	309	194	2150	11.7	7.3	81.0

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School John Bowne

Borough Queens

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3392	115.9	3915	772	82	2961	20.2	2.2	77.6
1969	3301	104.2	3506	854	74	2578	24.4	2.1	73.5
1970	3301	99.9	3297	1002	76	2221	30.4	2.3	67.3

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School John Adams

Borough Queens

District

Asst. Supt.

Year	Capacity *	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	4105	126.9	5205	1455	117	3636	27.9	2.3	69.8
1969	4105	124.9	5127	1362	132	3633	26.6	2.6	70.8
1970	4105	126.1	5175	1280	194	3701	24.7	3.8	71.5

* With Annex.

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Populati[illegible] Ethnic Distribution

School JAMAICA

Borough QUEENS

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3051	128.9	3934	943	141	2850	24.0	3.6	72.4
1969	3051	134.1	4090	990	143	2957	24.2	3.5	72.3
1970	3051	141.4	4315	1202	218	2895	27.9	5.0	67.1

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School GROVER CLEVELAND

Borough QUEENS

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3075	140.8	4329	1340	179	2810	31.0	4.1	64.9
1969	3075	119.4	3673	863	142	2668	23.5	3.9	72.6
1970	3075	117.1	3602	508	108	2986	14.1	3.0	82.9

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Francis Lewis

Borough Queens

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2814	122.5	3447	921	26	2500	26.7	0.8	72.5
1969	2814	90.1	2536	682	15	1839	26.9	0.6	72.5
1970	2814	95.6	2689	623	39	2027	23.2	1.4	75.4

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School FOREST HILLS.

Borough QUEENS

District

Asst. Supt.

YEAR	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2830	144.3	4083	512	39	3532	12.5	1.0	86.5
1969	2830	135.2	3825	599	49	3177	15.7	1.3	83.0
1970	2830	132.4	3748	616	71	3061	16.4	1.9	81.7

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School FLUSHING

Borough QUEENS

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2573	129.8	3340	242	104	2994	7.3	3.1	89.6
1969	2683	116.2	3108	223	123	2763	7.2	3.9	88.9
1970	2583	120.9	3220	193	138	2889	6.0	4.3	89.7

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Far Rockaway

Borough Queens

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	2916	115.9	3373	549	108	2716	16.3	3.0	80.7
1969	2916	113.0	3294	542	105	2649	16.4	3.2	80.4
1970	2916	118.6	3459	531	133	2793	15.4	3.8	80.8

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Benjamin Cardozo

Borough Queens

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3502	87.0	3047	548	16	2483	18.0	0.5	81.5
1969	3510	119.7	4201	933	29	3449	17.4	0.7	81.9
1970	3510	120.3	4222	833	19	3370	19.7	0.5	79.8

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School BAYSIDE

Borough QUEENS

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3256	129.1	4204	444	27	3733	10.6	0.6	88.8
1969	3256	122.1	3977	592	62	3323	14.9	1.6	83.5
1970	3256	126.2	4110	921	62	3127	22.4	1.5	76.1

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School ANDREW JACKSON

Borough QUEENS

District

Asst. Supt.

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1968	3190	95.6	3050	1469	132	1449	48.2	4.3	47.5
1969	3190	100.8	3216	1867	144	1205	58.0	4.5	37.5
1970	3190	109.1	3442	2201	133	1108	63.9	3.9	32.2

Composition Queens Academic High Schools

	PRESENT COMPOSITION Nov. 1970 (S.D.1090)				PROJECTED TO SEPT. 1971 (With Zoned Hillcrest H.S.)			
	N&PR %	"O" %	TOTAL NO.	% UTIL.	N&PR %	"O" %	TOTAL NO.	% UTIL.
ANDREW JACKSON	67.8	32.2	3442	108.	70.7	29.3	3274	100.
BAYSIDE	23.9	76.1	4110	126.	29.3	70.7	4204	129.
BENJAMIN CARDOZO	20.2	79.8	4222	120.	22.6	77.4	4154	118.
FAR ROCKAWAY	19.2	80.8	3457	119.	23.1	76.9	3638	125.
FLUSHING	10.3	89.7	3220	120.	16.9	83.1	3401	127.
FOREST HILLS	18.3	81.7	3748	132.	22.8	77.2	3805	134.
FRANCIS LEWIS	24.6	75.4	2689	96.	27.6	72.4	3107	110.
GROVER CLEVELAND	17.1	82.9	3602	117.	19.4	80.6	3963	129.
HILLCREST	-	-	-	-	39.3	60.7	1741	45.
JAMAICA	32.9	67.1	4315	141.	36.1	63.9	3845	126.
JOHN ADAMS	28.5	71.5	5175	134.	28.3	71.7	5269	128.
JOHN BOWNE	32.7	67.3	3899	100.	35.5	64.5	3534	107.
LONG ISLAND CITY	19.0	81.0	2653	152.	18.6	81.4	2663	152.
MARTIN VAN BUREN	21.7	78.3	4222	122.	29.2	70.8	4346	125.
NEWTOWN	10.8	89.2	4846	144.	12.1	87.9	4959	140.
RICHMOND HILL	31.3	68.7	3443	119.	36.6	63.4	3769	124.
SPRINGFIELD GARDENS	42.8	57.2	4385	133.	45.3	54.7	4260	129.
WILLIAM C.BRYANT	22.4	77.6	4428	123.	25.4	74.6	4686	130.

*Approximately 20% of the "Others" population are in the category listed as "Other Spanish Surnamed Americans".

Exhibit X Annexed to Affidavit of Irving Anker

1971-1972 Description and Map of Queens High School

(See Opposite ☞)

ZONE DESCRIPTIONS FOR QUEENS ACADEMIC HIGH SCHOOLS

EXHIBIT "X"

May 28, 1971

ZONE OF WILLIAM CULLEN BRYANT HIGH SCHOOL

AREA I

Beginning at 20th Avenue and the west side of 36th Street; East to the west side of 37th Street; North to Berrian Blvd.; East to a point north of Hazen Street; South on a northerly projection of Hazen Street to 19th Avenue; East to 81st Street; South to Grand Central Parkway; East then South to 25th Avenue; West to Curtis Street; South to 27th Avenue; West to Ericson Street; South to 29th Avenue; West to Astoria Boulevard to 82nd Street; South to 30th Avenue; West to 81st Street; South to Northern Boulevard; West to 78th Street; South to Roosevelt Avenue; West to 74th Street; South to Woodside Avenue; West to the Brooklyn-Queens Expressway to 43rd Street; North to 35th Avenue; West to the west side of 36th Street; North to Broadway; West to west side of 34th Street; North to 31st Avenue; East to the west side of 36th Street; North to the point of origin. All lines drawn down the middle of the vehicular way unless otherwise stated.

AREA II

Beginning at East River and Hoyt Avenue South; east along Hoyt Avenue South to Crescent Street; South to 30th Avenue; West to Main Avenue to the East River; North to the point of origin. All lines drawn down the middle of the vehicular way unless otherwise stated.

AREA III

Beginning at Metropolitan Avenue and Bushwick Avenue; East along Metropolitan Avenue to Brooklyn-Queens Boundary; South to Johnson Avenue; West to Porter Street; South to Knickerbocker Avenue to Starr Street; West to Wilson Avenue; North to Flushing Avenue; West to Bushwick Avenue; North to the point of origin. All lines drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF MARTIN VAN BUREN HIGH SCHOOL

AREA I

Beginning at Hollis Court Boulevard and the north side of Richland Ave.; East along the north side of Richland Avenue to Oceania Street (209th St.) North to 75th Avenue; East to Springfield Blvd.; South to 76th Avenue; East to a projection of 76th Avenue to the Grand Central Parkway to the Nassau County line; South then West along the Nassau line to Gettysburg Street; North to 93rd Avenue; West to 215th Place; North to the north side of Whitehall Terrace; West to Hollis Court Boulevard; North to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA II

Beginning at the Montauk Division of the Long Island Railroad and Linden Boulevard; East along Linden Boulevard to 200th Street; South to Springfield Boulevard to Merrick Boulevard; West to Farmers Boulevard; South to the Old Southern Division of the Long Island Railroad; North to Baisley Blvd.; East to Merrick Boulevard; North to a continuation of Baisley Boulevard; East to the Montauk Div. of the Long Island Railroad north to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF SPRINGFIELD GARDENS HIGH SCHOOL

Beginning at New York Boulevard and Baisley Boulevard; East along Baisley Boulevard to the Old Southern Division of Long Island Railroad; South to Farmers Boulevard; North to Merrick Boulevard; East to the Nassau County Line; South along the Nassau County Line to the northern fringe of John F. Kennedy Airport; West to Springfield Boulevard; North to 147th Avenue; West to Farmers Boulevard; North to New York Boulevard; to the point of origin. All lines drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF BENJAMIN N. CARDOZO HIGH SCHOOL

AREA 1

Beginning at Oceania Street and 46th Ave.; East along 46th Ave. to Cross Island Pk'way.; North to the foot of Little Neck Bay; East then North along the fringe of Queens to the Nassau County Line; South along the Nassau County Line to the Grand Central Pk'way.; West along Grand Central Pk'way.; to a projection of 76th Ave. to 76th Ave. to Springfield Blvd.; North to 75th Ave.; West to Oceania Street; North to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA 2

Beginning at Jamaica Ave.; and 183rd Street; East along Jamaica Ave. to Hollis Ave. to the main line of Long Island Railroad to 197th Street; South to 104th Ave.; West to 195th Street; South to 111th Ave.; East to 197th Street; South to Linden Blvd.; West to the Montauk Div. of the Long Island Railroad; North to 183rd Street to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF JAMAICA HIGH SCHOOL

Beginning at 69th Ave. and 164th Street; East along 69th Ave. to Utopia P'kway.; South to 73rd Ave.; East to Oceania Street (209th St.); South to the North side of Richland Ave.; West to Hollis Ct. Blvd.; South to the Grand Central Pk'way.; West to 188th Street; South to Jamaica Ave.; West to 183rd Street; South to the Montauk Div. of the Long Island Railroad to a point due east of 107th Ave.; West along a projection of 107th Ave. to 107th Ave. to Ruscoe Street to Polhemus Street to 107th Ave. to Merrick Blvd.; North to the Main line of the Long Island Railroad; West to Union Hall Street; North to Hillside Ave.; East to 164th Street; North to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF LONG ISLAND CITY HIGH SCHOOL

Beginning at East River and 20th Avenue; East on 20th Avenue to east side of 35th Street; South to 31st Avenue; West to west side of 34th Street; South to Broadway; East to east side of 35th Street; South to 35th Avenue; East to 43rd Street; South to Brooklyn-Queens Expressway to Brooklyn-Queens County line; West along Brooklyn-Queens County line to East River; North to Main Avenue; East to 30th Avenue to Crescent Street; North to Hoyt Avenue South; west to East River; North to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF JOHN ADAMS HIGH SCHOOL

Beginning at the Brooklyn Queens Boundary and 97th Ave.; East along 97th Ave. to 98th Street; South to 101st Ave.; East to 108th Street; South to Liberty Ave.; East to 130th Street; South to 115th Avenue; East to the Van Wyck Expwy.; South to Rockaway Blvd.; East to 150th Street; South to the North fringe of J.F.K. Airport; West then South to the fringe of Jamaica Bay; West along the fringe of Jamaica Bay to the Bklyn. Queens Boundary; North along the Brooklyn Queens Boundary to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF FAR ROCKAWAY HIGH SCHOOL

All of the Rockaway Peninsula to the west of Nassau County line, including Broad Channel.

ZONE OF RICHMOND HILL HIGH SCHOOL

AREA 1

Beginning at Central Ave. and 80th Street; East along Central Ave. (Cooper Ave.) to Woodhaven Blvd.; South to Union Turnpike; East to Metropolitan Ave. to 130th Street; South to Liberty Ave.; West to 108th Street; North to 101st Avenue; West to 98th Street; North to 97th Avenue; West to 92nd Street; North to Atlantic Avenue; East to Woodhaven Blvd; North to Parklane south;West to a projection of 79th Street; North to 78th Avenue; West to 80th Street; North to the point of origin. All lines drawn down the middle of the vehicular way unless otherwise stated.

AREA 2

Beginning at Van Wyck Expressway and 115th Avenue; East along 115th Avenue to 146th Street; North to Linden Blvd.; East to Sutphin Blvd.; South to Rockaway Blvd.; West to the Van Wyck Expressway; North to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA 3

Beginning at Myrtle Avenue and Tompkins Avenue; East along Myrtle Avenue to Sumner Avenue; South to Vernon Avenue; West to Throop Avenue; South to Van Buren Street; West to Tompkins Avenue; North to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA 4

Beginning at Grand Avenue and Myrtle Avenue; East along Myrtle Avenue to Nostrand Ave ; South to Green Avenue; West to Grand Ave.; North to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF GROVER CLEVELAND HIGH SCHOOL

AREA 1

Beginning at Kingsland Avenue and Newtown Creek; East along Newtown Creek to the Brooklyn Queens Expressway; North then East, along the Brooklyn Queens Expressway to Queens Blvd.; East to 69th Street; South to Calamus Avenue; East to 74th Street; South to the Long Island Expressway; East to the New York Connecting Railroad (LIRR); South to Caldwell Avenue; East to 77th Street; South to Eliot Avenue; West to 75th Place; South through Juniper Valley Park to Penelope Avenue; East to 77th Street; South to Metropolitan Avenue; East to 80th Street; South to 78th Avenue; West to 79th Street; South along 79th Street through Mt. Lebanon Cemetery; West through Cypress Hills Cemetery to a projection of Highland Blvd. to Highland Blvd.; to the Brooklyn Queens Boundary; West then north, along the Brooklyn Queens Boundary to Putnam Avenue; East to the west side of Cypress Avenue; North to Stockholm Street; West to Wilson Avenue; North to Starr Street; East to Knickerbocker Avenue; North to Flushing Avenue; East to Porter Avenue; North to Johnson Avenue; East to the Brooklyn Queens Boundary; North to Metropolitan Avenue; West to Bushwick Avenue; North to Maspeth Avenue; East to Kingsland Avenue; North to the point of origin. All lines drawn down the middle of the vehicular way-unless otherwise stated.

AREA 2

Beginning at Myrtle Avenue and Nostrand Avenue; East on Myrtle Avenue to Tompkins Avenue; South to Lexington Avenue; West to Nostrand Avenue; North to the point of origin. All lines are drawn down the middle of the vehicular way. Unless otherwise stated.

ZONE OF HILLCREST HIGH SCHOOL

Beginning at Yellowstone Blvd. and Woodhaven Blvd.; North then East along Yellowstone Blvd. to Jewel Avenue to 164th Street; South to Hillside Ave.; West to Union Hall Street; South to 108th Avenue; East to New York Blvd.; South to Brinkerhoff Avenue; West to 111th Avenue to 130th Street; North to Metropolitan Avenue; West to Union Turnpike to Woodhaven Blvd.; North to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF NEWTOWN HIGH SCHOOL

Beginning at Astoria Blvd. and 82nd Street; East along Astori 'd. to 98th Street; South to 34th Ave.; East to 102nd Street; North 'orthern Blvd.; East to 107th Street; South to 37th Ave.; West to 104th Street; South to Roosevelt Ave.; West to Junction Blvd.; South to the Long Island Expwy.; West to Woodhaven Blvd.; South to Penelope Ave.; West to 75th Pl.; North to Eliot Ave.; East to 77th Street; North to Caldwell Ave.; West to the connecting railroad (L.I.R.R.) North to the Long Island Expwy.; West to 74th Stree North to Calamus Ave; West to 69th Street; North to Queens Blvd.; West to Bro yn-Queens Expwy.; North to Woodside Ave.; East to 74th Street; North to Roosevelt Ave.; West to 78th Street; North to Northern Blvd.; West to 81st Street; North to 30th Ave.; West to 82nd Street; North to the point of origin. All lines drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF JOHN BOWNE HIGH SCHOOL

AREA 1

Beginning at Roosevelt Ave. and Junction Blvd.; East along Roosevelt Avenue to 104th St.; South to 48th Ave.; East to a projection of 48th Ave. to Grand Central Pkway.; North to the North side Div. of Long Island Railroad; East to 149th St.; North to Willets Point Blvd.; East to 154th St.; South to Sanford Ave.; East to Murray Street; South to Cherry Ave.; West to 147th St.; South to 45th Ave.; West to Kissena Blvd.; South to Jewel Ave.; West to Grand Central Pk'way.; North to Long Island Expwy.; West to Junction Blvd.; North to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA 2

Beginning at Linden Blvd. & Sutphin Blvd.; east along Linden Blvd to New York Blvd.; South to 116th Ave.; West to Barron St.; South to Foch Blvd.; West to Sutphin Blvd.; North to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA 1 ZONE OF FRANCIS LEWIS HIGH SCHOOL

Beginning at Willets Pt. Blvd. and 154th Street; East along Willets Pt. Blvd. to Francis Lewis Blvd.; South to the North side Div. of Long Island Railroad; East to the Clearview Expwy; South to 46th Ave., East to Oceania Street; South to 73rd Ave.; West to Utopia P'kway; North to 69th Ave.; West to 164th Street; South to Jewel Ave.; West to Kissena Blvd.; North to 45th Ave.; East to 147th Street; North to Cherry Ave.; East to Murray Street; North to Sanford Ave.; East to a point due South of 154th Street; North to 154th Street to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA 2

Beginning at 107th Ave. and Merrick Blvd.; East on 107th Ave. to Polhemus Street to Ruscoe Street to 107th Ave. to a projection of 107th Ave. to Montauk Di . of Long Island Railroad; South to Baisley Blvd.; West to Merrick Blvd.; North to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA 3

Beginning at Sutphin Blvd. and Foch Blvd.; East along Foch Blvd. to New York Blvd.; South to Farmers Blvd. to 147th Avenue; East to Springfield Blvd.; South to the Northern fringe of J.F.K. Airport; West to 150th Street; North to Sutphin Blvd. to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF ANDREW JACKSON HIGH SCHOOL

Beginning at 180th Street and Grand Central Parkway; East along Grand Central Parkway to the North side of Whitehall Terrace to 215th Pl.; South to 93rd Ave.; East to Gettysburg St.; South to the Nassau County line to Merrick Blvd.; West to Springfield Blvd.; North to 200th St. to Linden Blvd.; West to 197th St.; North to 111th Ave.; West to 195th St.; North to 104th Ave.; East to 197th St.; North to Main line of Long Island Railroad; West to Hollis Ave. to 188th St.; North to point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF BAYSIDE HIGH SCHOOL

AREA I

Beginning at the Whitestone Parkway and East River; east then south along the fringe of Queens to the Cross Island Parkway at the foot of Little Neck Bay; continuing south along the Cross Island Parkway to a point due east of 46th Ave.; west along an easterly projection of 46th Ave. to 46th Ave. to the Clearview Expressway; north to the Northside Division of the L.I.R.R.; west to Francis Lewis Blvd.; north to Willets Point Blvd.; west to 154th Street; north to the Cross Island Parkway; west to the Whitestone Parkway; north to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA II

Beginning at the Main Line of the L.I.R.R. and Union Hall Street; east along the railroad to Merrick Blvd.; south to Baisley Blvd.; west to New York Blvd.; north to Foch Blvd.; west to Barron St., north to 116th Ave.; east to New York Blvd.; north to 108th Ave.; west to Union Hall St.; north to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

ZONE OF FLUSHING HIGH SCHOOL

AREA I

Beginning at 25th Ave. and Grand Central Parkway; East on an Easterly projection of 25th Avenue Across Flushing Bay to the fringe of College Point; North, then East along the fringe of College Point to the Whitestone Expressway; South to Cross Island Parkway; East to 154th St.; South to Willets Point Boulevard; West to 149th Street; South to North side Division of Long Island Railroad; West to Grand Central Pkway.; South to a projection of 48th Ave.; West to 48th Ave. to 108th Street; North to 37th Ave.; East to 107th Street; North to Northern Blvd.; West to 102nd Street; South to 34th Ave.; West to 98th Street; North to Astoria Blvd.; East to 29th Ave. to Ericson Street; North to 27th Ave.; East to Curtis Street; North to 25th Ave.; West to the point of origin. All lines are drawn down the middle of the vehicular way unless otherwise stated.

AREA II

Beginning at 130th Street and 111th Ave.; East along 111th Ave. to Brinkerhoff Ave. to New York Boulevard; South to Linden Boulevard; West to 146th Street; South to 115th Ave.; West to 130th Street; North to point of origin. All lines are drawn down the vehicular way unless otherwise stated.

ZONE OF FOREST HILLS HIGH SCHOOL

Beginning at Penelope Ave. and 77th Street; West along Penelope Ave. to Woodhaven Blvd.; North to the Long Island Expressway; East to Grand Central Pk'way.; South to Jewel Ave.; West to Yellowstone Blvd. to Central ve. (Cooper Ave.) to 80th Street; North to Metropolitan Ave.; west to 77th Street; North to point of origin. All lines drawn down the middle of the vehicular way.

Exhibit XI Annexed to Affidavit of Irving Anker

Utilization Statistics—School Population—Ethnic Distribution

(See Opposite ☞)

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

School Parkside H.S. (Campus)

Borough Queens

District

Asst. Supt.

	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1961	—	—	53,618	3459	408	49,571	6.4	0.8	92.4
1962	43,719	129.4	55,729	4297	469	50,963	7.7	0.8	91.5
1963	44,229	123.1	54,431	5034	594	48,803	9.2	1.1	89.7
1964	47,013	115.2	54,142	6533	850	46,699	12.2	1.6	86.2
1965	47,889	118.9	56,918	8887	1608	46,423	15.6	2.8	81.6
1966	47,889	129.2	61,889	10,237	2637	49,016	16.5	4.3	79.2
1967	51,391	125.6	64,544	11,750	2281	50,513	18.2	3.5	78.3
1968	53,816	122.4	65,863	13,273	1679	50,911	20.2	2.5	77.3
1969	53,381	120.3	64,243	13,611	1838	48,794	21.2	2.9	75.9
1970	53,459	122.8	65,649	15,421	2222	48,006	23.5	3.4	73.1

EXHIBIT "XI"

CZU #39
500- 5/71

BOARD OF EDUCATION - CITY OF NEW YORK

Central Zoning Unit

School Population - Ethnic Distribution

Division ACADEMIC HIGH SCHOOLS

Borough (COMPOSITE)

District BROOKLYN

Addl. Info.

TYPIST: USE FORM WITH [illegible]

Year	Capacity	% Utilization	Population Distribution						
			Number				Percent		
			Total Enrollment	Negro	Puerto Rican	Other	Negro	Puerto Rican	Other
1961	—	—	75,556	7451	2529	65,396	9.9	3.4	86.5
1962	63,638	122.1	77,719	8[illegible]2	3299	66,025	10.8	4.2	85.0
1963	1,3,[illegible]38	120.0	76,398	[illegible]	[illegible]	62,649	13.1	4.9	82.0
1964	64,754	114.3	75,295	13,633	5091	52,521	16.8	6.7	76.5
1965	64,704	120.9	83,346	[illegible]	7418	55,240	19.7	9.5	70.8
1966	64,748	125.4	81,177	[illegible]330	8484	55,723	21.0	13.4	68.6
1967	64,768	122.6	[illegible]	19,091	9919	54,463	23.1	10.8	66.1
1968	66,929	126.0	81,335	21,451	9420	53,244	25.7	11.2	63.1
1969	70,381	121.0	85,[illegible]	[illegible]	[illegible]	42,929	29.4	12.0	58.6
1970	73,986	119.5	[illegible]	[illegible]	[illegible]	[illegible]	32.0	13.0	55.0

9/61

Composition Queens Academic High Schools

	PRESENT COMPOSITION Nov. 1970 (S.D.1090)				PROJECTED TO SEPT. 1971 (With Zoned Hillcrest H.S.)			
	N&PR %	"O" %	TOTAL NO.	% UTIL.	N&PR %	"O" %	TOTAL NO.	% UTIL.
ANDREW JACKSON	67.8	32.2	3442	108.	70.7	29.3	3274	100.
BAYSIDE	23.9	76.1	4110	126.	29.3	70.7	4204	129.
BENJAMIN CARDOZO	20.2	79.8	4222	120.	22.6	77.4	4154	118.
FAR ROCKAWAY	19.2	80.8	3457	119.	23.1	76.9	3638	125.
FLUSHING	10.3	89.7	3220	120.	16.9	83.1	3401	127.
FOREST HILLS	18.3	81.7	3748	132.	22.8	77.2	3805	134.
FRANCIS LEWIS	24.6	75.4	2699	96.	27.6	72.4	3107	110.
GROVER CLEVELAND	17.1	82.9	3602	117.	19.4	80.6	3963	129.
HILLCREST	-	-	-	-	39.3	60.7	1741	45.
JAMAICA	32.9	67.1	4315	141.	36.1	63.9	3845	126.
JOHN ADAMS	28.5	71.5	5175	134.	28.3	71.7	5269	128.
JOHN BOWNE	32.7	67.3	3299	100.	35.5	64.5	3534	107.
LONG ISLAND CITY	19.0	81.0	2653	152.	18.6	81.4	2663	152.
MARTIN VAN BUREN	21.7	78.3	4222	122.	29.2	70.8	4346	125.
NEWTOWN *	10.8	89.2	5246	154.	12.1	87.9	4959	140.
RICHMOND HILL	31.3	68.7	3443	119.	36.6	63.4	3769	124.
SPRINGFIELD GARDENS	42.8	57.2	4385	133.	45.3	54.7	4268	129.
WILLIAM C.BRYANT	22.4	77.6	4428	123.	25.4	74.6	4686	130.

*Approximately 20% of the "Others" population are in the category listed as "Other Spanish Surnamed Americans".

Composite Utilization
Queens Academic High Schools

	Cap. 9/71	Reg. 9/71	Util. 9/71
Queens A.H.S.	▲ 56,691	68,626	121.0

▲ Includes 3234 for Hillcrest

~~DISTRICT~~ Borough of Brooklyn

LEVEL High Schools

1	2	3	4	5	6	7	8	9	10	11
SCHOOL	CAPACITY	AS OF Jan. 29, 1971 REGISTER	% UTIL.	ETHNIC NO. "OTHERS"	ETHNIC % "OTHERS"	PROJECTED FOR Sept. 1971 REGISTER	% UTIL.	ETHNIC NO. "OTHERS"	ETHNIC % "OTHERS"	MINI-SCHOOLS ANNEXES & RENTED SPACE
Lincoln	3043	3782	124.3	3052	80.7	4277	140.6	3246	75.9	
Boys	2368	2512	106.1	18	0.7	3108	131.3	46	1.5	
Bushwick	2461	2570	104.4	550	21.4	2537	103.1	504	19.9	420
Canarsie	2998	4714	157.2	3394	72.0	4940	164.8	3361	68.0	
Eastern District	2233	2646	118.5	312	11.8	3406	152.5	318	9.3	335
Erasmus Hall	4763	5130	107.7	2385	46.5	5688	119.4	2466	43.4	285
Ft. Hamilton	2589	3681	142.2	2889	78.5	3430	132.5	2661	77.6	
F.D.R.	3218	3667	114.0	2578	70.3	3884	120.7	2744	70.6	
F.K.Lane	4358	4641	106.5	1262	27.2	5121	117.5	1078	21.1	
George Wingate	2855	2789	97.7	502	18.0	2876	100.7	556	19.3	
James Madison	3390	4316	127.3	2935	68.0	3883	114.5	2685	69.1	339
John Jay	3934	5272	134.0	2520	47.8	5942	151.0	2692	45.3	600
Lafayette	3632	4718	129.9	3935	83.4	4828	132.9	4034	83.6	
Midwood	2994	4109	137.2	3176	77.3	4040	134.9	3019	74.7	
New Utrecht	2830	3997	141.2	3445	86.2	3982	140.7	3338	83.8	
Prospect Heights	2536	3091	121.9	244	8.9	4164	164.2	257	6.2	

CZU #34
3/31/71 - 500

DISTRICT Borough of Brooklyn

LEVEL High Schools

1	2	3	4	5	6	7	8	9	10	11
SCHOOL	CAPACITY	AS OF 1/29/71 REGISTER	% UTIL.	ETHNIC NO. "OTHERS"	ETHNIC % "OTHERS"	PROJECTED FOR 9/71 REGISTER	% UTIL.	ETHNIC NO. "OTHERS"	ETHNIC % "OTHERS"	MINI-SCHOOLS ANNEXES & RENTED SPACE
Samuel Tilden	3235	3333	103.2	2183	65.5	3493	108.0	2045	58.5	
Sheeps-head Bay	3548	4350	122.6	3358	77.2	4476	126.2	3420	76.4	
South Shore	4048	1655	40.9	1054	64.3	2998	74.1	2112	70.4	
Thomas Jefferson	3799	4076	107.3	342	8.4	4403	115.9	323	7.3	924
John Dewey	3064	1978	64.6	1352	68.4	2798	91.3	1902	68.0	
Bay Ridge	2605	2613	100.3	1212	46.4	2702	103.7	1237	45.8	1011
Totals	70,502	79,640	113.0	42,708	53.7	86,976	123.4	44,044	50.6	3914
		(Note: Brooklyn Tech is not listed)								

CZU #34
3/31/71 - 500

Exhibit XII Annexed to Affidavit of Irving Anker

Decision of Board of Education Dismissing Appeal

(See Opposite ☞)

BOARD OF EDUCATION
OF THE CITY OF NEW YORK
110 LIVINGSTON STREET
BROOKLYN, N.Y. 11201

MURRY BERGTRAUM, PRESIDENT
ISAIAH E. ROBINSON, JR., VICE PRESIDENT
SEYMOUR P. LACHMAN
MARY E. MEADE
JOSEPH MONSERRAT

HARVEY B. SCRIBNER, CHANCELLOR
HAROLD SIEGEL, SECRETARY

May 5, 1971

Mrs. Clarice McBarnette
President, Parents Teachers Association
South Shore High School
6565 Flatlands Avenue
Brooklyn, New York 11236

Re: Appeal on Zoning by Parent-Teachers Ass'n.

Dear Mrs. McBarnette:

I am enclosing herewith the report and decision of the Board of Education Committee which heard the appeal presented to it by the Parents Teachers Association of South Shore High School.

The entire Board concurs in this decision.

The Board appreciates your interest and concern and hopes that you can understand the basis for this decision.

Sincerely yours,

Harold Siegel
Secretary

HS/cb
Att. Copy of Committee's Decision, 4/29/71
cc: Mr. Joseph Brennan, High School Office
Mr. Max Bromer, Principal, South Shore H.S.

EXHIBIT "VII"

BOARD OF EDUCATION
OF THE CITY OF NEW YORK
110 LIVINGSTON STREET
BROOKLYN, N.Y. 11201

MARY E. MEADE
MEMBER

April 29, 1971

APPEAL on Zoning in Brooklyn - prepared by the Parent-Teacher Association of South Shore High School - Friday, April 23,1971

The brief set forth reasons for their appeal as follows:

The school will be over-utilized if the optional zoning provided for it is permitted to continue. The Parent Association expects that the student body will have 3,400 students, exclusive of the 12th grade and now 275 seats have been opened for optional zoning.

It is their feeling that they will be overcrowded in the following year when the whole four years are in the building. They are very much afraid that this overcrowding, plus the admission of groups of students from outside the neighborhood, will destroy the South Shore High School. They had another fear that the students who accepted the option to come to South Shore might need vocational training which South Shore does not offer.

It is the decision of the committee that the zoning directive, as issued by the Office of the Chancellor on March 19, 1971, should be retained.

The schools in Brooklyn are all over-utilized and the method of attempting some ethnic parity is that all schools, including South Shore, will have to share in the plans which the borough as a whole is expected to carry out.

Isaiah E. Robinson, Jr.

Joseph Monserrat

Mary E. Meade, Chairman

Parents Teachers Association

OF SOUTH SHORE HIGH SCHOOL
6565 FLATLANDS AVENUE
BROOKLYN, NEW YORK 11236

March 24, 1971

Dr. Harvey B. Scribner, Chancellor
Board of Education
110 Livingston Street
Brooklyn, New York 11201

Dear Sir:

The Parents Teachers Association of South Shore High School wishes to go on record as vigorously rejecting the zoning directive for South Shore High School as presented by the Central Zoning Board on March 19, 1971.

Here is the [illegible] objection

Authorizing a minimal student body of 3400 students for the September, 1971 term, exclusive of the twelfth grade, plus granting 275 seats open for option, for a school planned to fully house 4000 students, is educationally unsound and indefensible. Such planning will make South Shore High School the most over utilized school in the City. It is unconscionable to add over utilization to the many pressing problems that face a new school.

The Zoning Board is welcome to personally appear before the South Shore High School community to answer charges of bowing to political pressure. We are prepared to enlist the support of our elected public officials for not only is the future of South Shore High School at stake, but the very survival of Brooklyn, as a stable community, is threatened.

Unfortunately, it is the children who suffer and become emotionally scarred from such dissension and conflict.

We respectfully urge you to direct a reevaluation of the utilization percentage, taking into consideration that South Shore High School is not fully housed, to have South Shore High School removed from the cluster, and to mandate ethnic parity for South Shore High School with its two neighboring high schools before South Shore High School and the community are destroyed.

Very truly yours,

Clarice McBarnette

Mrs. Clarice McBarnette
President

cc: Board of Education
cc: Elected Public Officials
cc: [illegible] Representatives

Answering Affidavit of Mortimer Todel in Opposition to Motion

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

State of New York)
County of New York) ss.:

MORTIMER TODEL, being duly sworn, deposes and says:

This affidavit together with the affidavit of Seymour Harr, hereto annexed, is submitted in opposition to the defendants' motion for summary judgment. These affidavits are submitted on behalf of the plaintiffs because of the number of plaintiffs and specialized knowledge required.

The defendants in their moving papers misconstrue plaintiffs' cause of action. It is not the purpose of the action that Lane should be "zoned as a Queens school," nor is it the purpose of the action "to achieve a racial balance comparable to those Queens schools which have a racial composition more to their liking," as stated in defendant Anker's affidavit in paragraphs 18 and 21, respectively.

The purpose of the plaintiffs' action is to cure conditions referred to in defendants' Exhibit V at page 4, namely, when a school becomes 'predominantly Negro' * * * "educators and the courts have recognized, is when the education offered in that school becomes clearly unequal." Following on page 5 of defendants' Exhibit V, it is stated "Equal opportunity is not provided, the Regents have concluded, 'in schools enrolling students largely of homogeneous ethnic origin.' The motivation and ability of members of racial

minorities to learn in such schools is impaired whether the homogeneity results 'by law or fact.' ''

By custom, usage and regulation defendants have defaulted in their affirmative duty to eliminate racially segregated education at Lane, where for years as appears in Mr. Harr's affidavit the defendants were fully aware of what was happening at Lane. By the defendants' inaction, action and vacillation they assisted in creating the conditions that now exist in Lane and in other parts of the City. They have defaulted in their obligation to provide equal education and have thrown up their hands in a most difficult problem. Upon information and belief, Irving Anker has stated when a school has become overwhelmingly Black or Puerto Rican, it is just another *lost* school.

By custom, usage and regulation the defendants have, by maintaining a table of organization of county lines in a school system which is one, thereby insured de jure segregation at Lane. It is interesting to note how the defendants failed to make any mention of contiguous Grover Cleveland High School whose ''Other'' students have been steadily increasing and Black and Puerto Rican students steadily decreasing—see defendants' Exhibit IX. A situation created by political and community pressure.

On May 21, 1971 a hearing was held by the United States House of Representatives' General Subcommittee on Education in New York City. The defendant Harvey Scribner testified and stated as follows:

> ''* * * because this nation is composed of a patchwork of black housing areas and white housing areas, and because this pattern is not likely to change overnight, school integration plans will frequently have to transcend school district boundaries. *The multi-district approach to school integration is a valid approach. It deserves greater official encouragement and legislative support at the highest level of government.''* (Emphasis added)

In view of the above statement how can the defendants insist on continuing the customs of the past in maintaining Brooklyn high schools and Queens high schools. At this hearing others testified more specifically in terms of reaching out into Westchester and Nassau Counties.

A reading of paragraph 24 makes obvious how hidebound the defendants are. If Brooklyn schools are more severely overcrowded than Queens, why not have a rethinking of the old custom of separate Brooklyn and Queens division of high schools which would then minimize overcrowding and meet head on the problem of integration.

The defendant Anker reviews in his affidavit what has been done for Lane in paragraph 18, namely, lessening the utilization while contributing to the maintenance of an ethnic balance at Lane. This statement does not square with defendants' Exhibit I. Furthermore, it is the defendants' affirmative duty to integrate and not maintain the status quo of segregation.

The defendants completely misunderstand the position of the plaintiffs. The problem is one of achieving integration. The reference by plaintiffs to contiguous zones to Lane was to show the fact that neighboring districts have a comparatively high Other school population. This does not foreclose the defendants from going outside these contiguous districts. In defendants' Exhibit V it is pointed out on page 4 "In the case of high schools in Queens, travel to school by bus or common carrier is already a way of life for many students." As appears in the annexed affidavit of Seymour Harr, a large percentage of Lane students use two means of transportation.

The defendants mention that the enclave technique is being discontinued. The defendants do not state the number of Brooklyn students who go to Queens high schools. This is within the knowledge of the defendants, and in fact, upon information and belief, was very small. With the

option plan now proposed, no Queens schools are mentioned. If any Brooklyn students do go in September 1971, the number will be infinitesimal, and is only within the knowledge of the defendants. Mr. Harr's annexed affidavit reveals the ineffectiveness of any option plan.

The affidavit of defendant Zack is in most part irrelevant and in its irrelevancy is inaccurate as appears from defendants' Exhibit 1 as to Lane school population. A response to other parts of affidavit is not required. However, with reference to paragraph 8 the record in this matter speaks for itself. Annexed hereto as plaintiffs' Exhibit 1 is a copy of the suggested draft for changes in Brooklyn High School Zoning Patterns for 1971-72 issued in February 1971. Specific attention is directed to paragraph 3 of Recommendations which refers to Tilden. In March 1971 a final proposal was issued in which Tilden was removed. Annexed hereto as plaintiffs' Exhibit 2 is a copy of Stanley Steingut's Reports to the People in which a letter appears thanking him for the help in having Tilden removed from the cluster of receiving schools.

Pressure, whether of a political or community nature, has been brought in other situations as referred to in Mr. Harr's affidavit, as well as in Grover Cleveland High School zoning referred to above. In addition, in 1969 when substantial zoning changes were suggested and finally withdrawn, the New York Times in an editorial criticized the use of political pressure.

The figures cited by the defendants as to school ethnic population are not disputed. However, the vacillation, inaction and meaningless action of defendants exhibit a default in their affirmative duty to integrate, and by their behavior has contributed to the loss of students in the public school system, and specifically created de jure segregation of Lane.

Answering Affidavit of Mortimer Todel

Dr. Robert Dentler of the Center of Urban Education summed it up on May 21, 1971 before hearings of the House Committee where his testimony was read by an associate:

> "What happens when a school system is obligated to desegregate its schools? Newspapers and TV have given the impression of widespread disruption. Actually, in the typical case, this impression is wide of the mark. By and large, whether in the South or the North, when school officials knew they had to desegregate, they did. When school officials took action, parents accepted the decision. School officials who adopted carefully thought out desegregation plans, were returned to office by the voters. School officials who vacillated have not fared so well.
>
> "The fact of the matter is that for school board members, for school officials, and for teachers, the process of creating a desegregation plan that will work requires a fresh look at what the school is about. And this process has a revitalizing effect on the school and the community. In city after city around this nation, school officials may groan and complain when obligated to act, but when you talk to them about the actual process of their work, they act like men freed from bondage. No longer tied to the defense of the indefensible past, they are groppling with difficult but important problems. The educational, social, and political benefits can be durable, leading to renewed self-confidence among the school staff and promoting parental confidence in the schools."

A genuine issue as to fact and law exists. Wherefore, defendants' motion should be denied.

Mortimer Todel

(Sworn to August 5, 1971.)

Answering Affidavit of Seymour Harr in Opposition to Motion

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

State of New York)
County of New York) ss.:

SEYMOUR HARR, being duly sworn, deposes and says:

I am a teacher at Franklin K. Lane High School having been assigned to said school since 1958. At the present time I am coordinator of grade advisors at Lane and as one of my responsibilities I review all applications of students for admission to Lane High School. I have taught in the College Bound program at Lane and also prepared a work-study program for Lane which has been approved by the Board of Education and is awaiting funding.

I am making this affidavit for the purpose of aiding the Court to come to a determination as to the merits of this proceeding. I felt that in good conscience I had to make this affidavit as I have seen during the tenure of my service how minority group isolation in the school system has resulted in the detriment to the emotional health and education of students at Lane. It is my hope that in preparing this affidavit, my standing with the Board of Education will not be impaired.

Minority group isolation means a condition in which minority group children constitute more than 50% of the average daily enrollment of the school. This is in accord with the long standing interpretation of the New York

State Board of Regents. The fact is that *Lane is at a more extreme level of segregation.*

The attorney, Mr. Todel, has shown me the complaint in this proceeding, the affidavit annexed to the order to show cause and also the notice of motion and affidavits of the defendants. It is my belief that the following statements by me may be of aid to the Court.

1. I have personal knowledge of the fact that for over seven years the principals of Lane, the teachers and parents of children have on many many occasions requested affirmative action on the part of the defendants to prevent Lane from becoming a segregated school.

2. I have personal knowledge that during the period I have been at Lane, it drew its students from other parts of Queens other than the small section of Woodhaven which is now part of Lane.

3. I have personal knowledge that prior to 1964 the Assistant Superintendent in charge of Lane was the Queens Assistant Superintendent.

4. I have personal knowledge that for sports purposes Lane is grouped only with Queens high schools.

5. My reference to Queens in 2, 3 and 4 is not for the purpose of making Lane a Queens school, but merely to show the means by which the defendants have used a county line as a technique of not taking affirmative action to prevent a segregated school.

6. I have personal knowledge that transportation difficulties and geography is not any valid objection towards integration of Queens schools so as to alleviate segregation at Lane. There are three types of school passes issued by the

Board of Education, namely, (a) bus, (b) train and (c) bus-train passes. A very high percentage of the third type of pass (bus-train) is issued to Lane students which means that students use two means of transportation to arrive at Lane.

7. The Court should be aware of the meaning of utilization as referred to by the defendants. The fact that a school is claimed to be overutilized means that a school is being used for more than one normal session. The Board has rationalized the overutilization in many of the high schools due to school population. However, upon information and belief, it also permits the Board the option of not zoning Black and Puerto Ricans to said school.

8. The enclave technique that the defendants used for the purpose of integration was not successful and discarded. The open admission or option program has not worked in the past and from past experience will not work. I have personal knowledge of the optional program and personally know that a very large percentage of the students who opt for a school other than Lane are transferred to Lane prior to ever attending classes in the other school. Others in the option program are transferred to Lane during the first ten class days of the term.

9. I have knowledge that Forest Park Cooperative, having a white population, was part of the Lane District but was rezoned to a Queens high school. In addition, a development near Forest Park, namely, Crescent, was advertised with the assurance that children from Crescent would go to the desirable Forest Hills high school. In 1969 the Board proposed that a section of Queens encompassing portions known as Lindenwood Houses be rezoned to Lane in an attempt to prevent further segregation. Pressure was so great on the Board that the plan was abandoned.

Answering Affidavit of Seymour Harr

10. The only way to realistically face a very difficult situation so that the law of the land can be observed is to develop an integrated school system by doing away with the arbitrary line between Brooklyn and Queens, when in reality New York City has one public high school system.

SEYMOUR HARR

(Sworn to August 4, 1971.)

Exhibit 1 Annexed to Answering Affidavit of Seymour Harr

(See Opposite ☞)

BASIC OBJECTIVES

1. To try to assure integration as widely as possible.

2. To prevent the emergence of a segregated setting in our currently integrated schools.

3. To accept more students in the vocational schools if that be their preference.

4. To improve opportunities for more youngsters to attend Brooklyn Technical High School.

GENERAL CONSIDERATIONS

1. We will increase the pupil population of our vocational high schools by 600-750.

2. The utilization of Brooklyn Technical High School will be improved.

3. The possible utilization of the present Sarah J. Hale annex, capacity 250 pupils. (The annex to be converted to the annex of an academic school.)

SPECIFIC RECOMMENDATIONS

1. All students in the John Jay zone (both public and non-public), may attend John Jay High School. However, they may choose any of the following complement of schools if they so prefer:

   Abraham Lincoln High School
   Erasmus Hall High School
   Fort Hamilton High School
   Franklin D. Roosevelt High School
   Lafayette High School
   New Utrecht High School

   Each applicant will state a preference numbering from 1 to 6 of the above-named clustered schools. However, the determination of assignment to a specific school in the cluster will be made according to availability of seats and geographic location.

2. The students of Junior high School 320-k are to be assigned to Erasmus but may option for Lincoln, Sheepshead Bay, Madison and Midwood. Each applicant will state a preference numbering from 1 to 4. However, the determination of assignment will be made according to availability of seats and geographic location.

3. The students in the present South Shore High School skip zone may be assigned to their home school which will be Jefferson or may option for Canarsie, South Shore, Tilden, Madison, Midwood, Sheepshead Bay, Erasmus. Each applicant will state a preference numbering from 1 to 7. However, the determination of assignment will be made according to availability of seats and geographic location.

4. The students in the present Madison skip zone may be assigned to their

EXHIBIT - 1

Exhibit 2 Annexed to Answering Affidavit of Seymour Harr

(See Opposite ☞)

home school which will be Wingate but may option for (same as above). Each applicant will state a preference numbering from 1 to 7. However, the determination of assignment will be made according to availability of seats and geographic location.

5. The students from Junior High School 271 who live in the Franklin K. Lane zone may attend Franklin K. Lane or may option for (same as 3 above). Each applicant will state a preference numbering from 1 to 7. However, the determination of assignment will be made according to availability of seats and geographic location.

6. The students in the present Wingate skip zone may be assigned to their home school which will be Franklin K. Lane but may option for Fort Hamilton and (same as 3 above). Each applicant will state a preference numbering from 1 to 8. However, the determination of assignment will be made according to availability of seats and geographic location.

7. Boys High School will remain with its current zones. Any boy in Brooklyn may elect to attend Boys High School.

   Girls who wish to be assigned to an all-girls school will be assigned to either Prospect Heights High School or Bay Ridge High Schools on the basis of ease of travel and school utilization.

   The current Open Admissions policy for all boys and girls in the present Boys High School zone will remain in force.

   MIDWOOD
   SHEEPSHEAD BAY
   LINCOLN
   LAFAYETTE
   NEW UTRECHT
   MADISON (in lieu of skip zone)

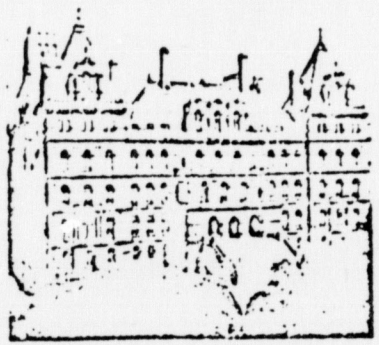
8. The present policy of affording pupils whose home school is Eastern District options for Fort Hamilton and Franklin D. Roosevelt High Schools will be continued.

All applications for options are to be forwarded to the Central Zoning Unit for determination of assignment.



Stanley Steingut

Reports to the People



Action by the State Legislature of benefit and interest to residents of the 41st A.D. from Assemblyman Stanley Steingut, Minority Leader of the State Assembly

April, 1971

Steingut "Human Needs" Program Advances

Youth Recreation Centers Bill Filed

I am happy to be able to report to you that I have introduced a bill with broad support in both the Assembly and the Senate, to expand the number of youth recreation centers in our community and to provide the necessary operating funds to carry out needed youth recreation programs.

In so doing, I am carrying out the third stage of an ambitious program designed to aid and serve our children, our senior citizens and now our youth. This program was launched in 1969 when I became Minority Leader of the Assembly and was successful in obtaining passage of legislation establishing a system of Day Care Centers to open up employment opportunities for thousands of mothers otherwise condemned to remaining on the welfare rolls receiving public assistance under the Aid to Dependent Children program.

With more Day Care Centers available to care for their children during working hours, mothers receiving welfare

oduces Bill

ring Auto Premiums; ite-Fixing To The State'

e I made two years ago during the debate in the Legislature over taking away the State Insurance over automobile insurance rates, I have introduced a bill to repeal the 1969 action.

sponsoring with other Democratic legislators will re-instate the right of the State Superintendent id approve auto insurance rates.

e this power was taken away from the Insurance Department that if the insurance industry, rket, failed to act responsibly during a trial period, I would repeal of the privilege.

t is happening to auto insurance rates. Insurance companies itant rates and automobile owners are being made victims of trary cancellations of insurance. The average motorist has rcent rate hike. Others, who may or may not deserve such selves in assigned risk pools and paying 20 to 25 percent

ndustry, which insisted competition would lower rates, has e we placed in it. Rates have skyrocketed.

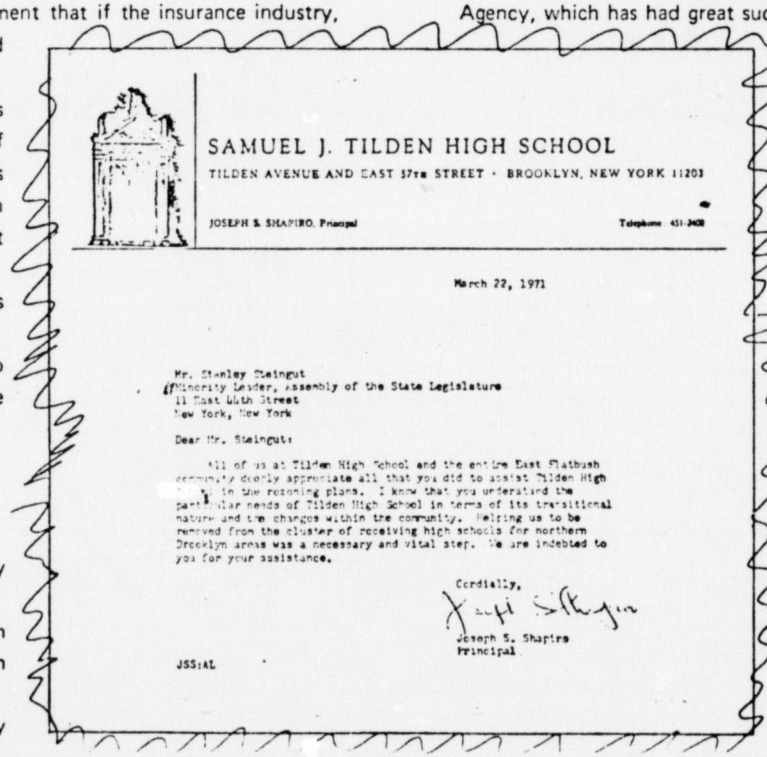
e state must be protected against such practices. I intend to t of the legislation to restore to the State Insurance uthority to pass on automobile insurance rates.

s'' Program

had gratifying support and assistance from so many viduals in our district.

he successful Senior Citizens' Centers Law, my Youth t bill is a major item in the program of anti-crime legislation e Democrats in the Legislature.

need a place to go after school. They need to be creatively



SAMUEL J. TILDEN HIGH SCHOOL
TILDEN AVENUE AND EAST 57TH STREET · BROOKLYN, NEW YORK 11203

JOSEPH S. SHAPIRO, Principal Telephone 451-2400

March 22, 1971

Mr. Stanley Steingut
Minority Leader, Assembly of the State Legislature
11 East 44th Street
New York, New York

Dear Mr. Steingut:

All of us at Tilden High School and the entire East Flatbush community deeply appreciate all that you did to assist Tilden High [illegible] in the rezoning plans. I know that you understand the particular needs of Tilden High School in terms of its transitional nature and the changes within the community. Helping us to be removed from the cluster of receiving high schools for northern Brooklyn areas was a necessary and vital step. We are indebted to you for your assistance.

Cordially,

Joseph S. Shapiro
Principal

JSS:AL

To Meet Critical Shortage

Housing Bill Introduced

The critical shortage of decent housing for moderate and middle-income families is at the that afflict our city.

Under present market conditions, private enterprise simply cannot produce housing to m

Accordingly, I am sponsoring a bill at this session of the Legislature designed to enab finance greatly expanded Mitchell-Lama housing construction loans and housing rehabilitat

The bill would create a New York City Housing Development Corporation modeled on t Agency, which has had great success in producing limited-profit housing. The new corpora to make loans to limited-profit housing companies and a owners of multiple dwellings.

Although the City of New York has undertaken a program for moderate and middle-income families . Development Administration, the results still can not be housing needs.

In 10 years, the State Housing Finance Agency, exempt bonds, has loaned over one billion dollars in anticipated that private funds would be attracted to a c program, providing a continual flow of mortgage money York City Housing Development Corporation provides $700 Million.

The need for adequate housing is desperate. I am m this legislation enacted into law to help meet the need.

IMPORTANT
Insurance Questionna

It has been reported that insurance companies in th

Answer of Defendants in Support of Motion

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

Defendants, by their attorney NORMAN REDLICH, Corporation Counsel, answering the complaint herein, respectfully allege as follows:

1. Admit the allegations contained in paragraph "1" thereof, except deny that there has been deprivation of any rights, privileges or immunities secured to the plaintiffs by the Fourteenth Amendment of the Constitution of the United States.

2. Admit the truth of the allegations contained in paragraph "2" thereof at the time the complaint was filed.

3. Deny the allegations contained in paragraph "3(a)" thereof and respectfully refer the Court to Article 52-A of the New York State Education Law wherein is set forth the powers and duties of the Board of Education of the City of New York.

4. Deny the allegations contained in paragraph "2(b)" thereof except admit that at the time of the filing of the complaint defendant Bergtraum was President of the Board of Education of the City of New York and further admit that defendant Bergtraum remains a member of the Board of Education of the City of New York.

5. Deny the allegations contained in paragraph "3(c)" thereof except that defendant Scribner is Chancellor of the City School District of the City of New York and respectfully refers the Court to Article 52-a of the New York State Education Law wherein is set forth the powers and duties of defendant Scribner.

Answer of Defendants in Support of Motion

6. Deny the allegations contained in paragraph "3(d)" thereof except admit that defendant Anker is Deputy Chancellor of the City School District of the City of New York.

7. Deny the allegations contained in paragraphs "4", "6", "7", "8", "9" and "10" thereof.

Further Answering the Complaint and for a First Separate and Complete Defense the Defendants Allege:

8. Complaint fails to state a cause of action.

And for a Second Separate and Complete Defense, Defendants Allege:

9. The zones for the high schools in the boroughs of Brooklyn and Queens are designed to insure maximum consistence with integration and educational opportunities for all the students in those high schools.

10. In providing for the zone of Franklin K. Lane High School, defendants have in no way violated any of plaintiffs' constitutional rights.

WHEREFORE, defendants pray that this Court enter judgment in their favor dismissing the complaint, with costs.

Dated: September 22, 1972

Respectfully submitted,

NORMAN REDLICH
Corporation Counsel
Attorney for Defendants
Municipal Building
New York, NY 10007
566-2506
4619

By /s/ CHARLES D. MAURER

CHARLES D. MAURER
Assistant Corporation Counsel

Memorandum

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

71 C 502

CHARLES DE FELICE, *et al.*,

Plaintiffs,

against

THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, *et al.*,

Defendants.

Appearances:

MORTIMER TODEL, Esq., for plaintiffs

CHARLES D. MAURER, Esq. (J. LEE RANKIN, Esq., Corporation Counsel of the City of New York, and ELLIOTT H. HALPIN, Esq., Assistant Corporation Counsel, of Counsel) for defendants

DOOLING, D. J.

Plaintiffs are students enrolled in Franklin K. Lane High School, and they sue on behalf of all others similarly situated for an adjudication that their school has been so zoned as to make and keep it a segregated school in spite of its location. They moved to enjoin further enforcement of the school's zoning on the ground that it is *de jure* seg-

regation and to compel rezoning. The Board moved for summary judgment on a record elucidating the racial, ethnic and educational problems the Board must solve, the resources it has and their utilization, and the steps taken to ameliorate the educational consequences of *de facto* housing segregation and to deal with the constellation of more or less attendant problems.

It is concluded that both motions must be denied and a hearing is now set for May 5, 1972, at 2:00 P.M. in Court Room 8 to determine next steps in the light of the present memorandum.

Franklin K. Lane, an academic coeducational high school is located on the boundary between Brooklyn and Queens but is administered as a Brooklyn High School. The attendance zone of the school now and for some time past has stretched far west of the school building and southward to the Shore Parkway. Just north of the school are, stretching eastward, Forest Park, and, stretching westward, a belt of cemeteries and Highland Park. The zone has not been much changed since 1965. The school population ethnic distribution of the school has been the following:

Year	*Capacity*	*Enrollment*	*Negro*	*Puerto Rican*	*Other*
1961	—	3905	923	160	2852
1965	4315	4411	1757	561	2093
1966	4315	4764	2134	492	2138
1967	4315	5136	2411	659	2066
1968	4315	5374	2691	767	1916
1969	4315	4875	2606	682	1587
1970	4315	4924	2767	819	1338
1971*	4358	5121	—	—	1078
1972*	—	5278	3136	963	1179

* Projected.

Memorandum

The changes in population composition given in percentages have been the following:

Year	*Negro*	*Puerto Rican*	*Other*
1961	23.5	4.1	72.4
1962	—	—	67.1
1963	—	—	61.2
1964	—	—	52.0
1965	39.8	12.7	47.5
1966	44.8	10.3	44.9
1967	47.0	12.8	40.2
1968	50.1	14.3	35.6
1969	53.5	14.0	32.5
1970	56.0	19.0	25.
1971*	57.2	18.3	24.5
1972*	59.4	18.3	22.3

It will be seen that since 1965 at least Lane has been utilized in excess of rated capacity, the percentages of utilization ranging from 102.2% in 1965 to 124.5% in 1968 and to a projected 119% for 1972.

Lane's experience exists in a matrix of city-wide, borough-wide, and Queens-Brooklyn changes. All three show a decline in the number and percentage of "others" attending academic high schools, and a radical increase in the number and percentage of Negroes and Puerto Ricans in attendance:

1961

					Percents		
	Total	*Negro*	*P.R.*	*Other*	*N*	*PR*	*O*
City wide	198,256	22,270	10,914	165,072	11.2	5.5	83.3
Brooklyn	75,556	7,451	2,709	65,396	9.9	3.6	86.5
Queens	53,618	3,639	408	49,571	6.8	0.8	92.4

* Projected.

Memorandum

1970

	Total	*Negro*	*P.R.*	*Other*	*Percents* *N*	*PR*	*O*
City wide	246,117	72,563	37,167	136,387	29.5	15.1	55.4
Brooklyn	88,403	28,335	11,462	48,606	32.0	13.0	55.0
Queens	65,649	15,421	2,222	48,006	23.5	3.4	73.1

Residential patterns lie very close to the heart of the problems, and, since the academic high school attendance is on a zoned basis—with certain exceptions—the residential pattern would, self-evidently, determine the ethnic composition of each school's population if the schools were zoned in rigorous obedience to a convenience of access standard. Normally, but not inevitably, that would connote centricity of location for each school.

The Board, however, has sought to secure the advantage of integrated education in the face of an ever more intractible housing pattern by ingenious rezoning, "skip" zoning, in which a school zone is made up of two or more noncontiguous zones, and an "open admissions" program in which students are given an opportunity to elect to attend named schools usually at a considerable distance from their homes but in which students of their own ethnicity are not in a majority. The "open admissions" program in Brooklyn is not a large-scale expedient. As of July 8, 1970, the program visualized 1,892 places as open, and Lane was apparently not a zone from which a student could apply. The projection for open admissions in 1972 is in the order of 1,700 students. The plan is hamstrung by the sharp limits on the capacity of the receiving schools and by the length of the travel distances.

What emerges, then, and in this State, given the views of the Commissioner of Education, the Regents, and the Board itself, is inevitable, is a recognition of and orientation toward achieving the educational advantages of integration by striving to offset the consequence of the residen-

tial pattern without imposing disadvantages and hardships that could not be found to be justified in the sought-for educational advantages.

The consequence, with equal inevitability, however, is that the Board's school zoning is specifically advertent to the existence of racial and ethnic imbalances and to the dilution or deprivation of educational opportunity implicit in it, and in its zoning the Board deals insistently and directly with the ethnic composition of the schools; where segregation in an objectively invidious sense is the result, it is *de jure* segregation and is not an uncured consequence of housing patterns helplessly submitted to as beyond the reach of feasible compensatory planning. *Cf. Taylor* v. *Board of Education,* 2d Cir. 1961, 294 F.2d 36; *United States* v. *School District,* 7th Cir. 1969, 405 F.2d 1125, 1130-1131; *Keyes* v. *School District No. 1, Denver Colorado,* 10th Cir. 1971, 445 F.2d 990, 999. Note *Alexander* v. *Louisiana,* U.S. Sup. Ct. 1972, 40 L.W. 4365, 4367.

Here the Lane zone has no school-house centricity. A "neighborhood zone," in the sense of a zone which extended outward from the school-house along routes of convenient access in geographical coherence around the school is not present. Lines drawn in that way to enclose a school district would radically change the ethnic distribution of the Lane school population. That is evident from the data on the populations of Grover Cleveland, Forest Hills, Richmond Hill and Jamaica High Schools, all of which are over 60% "other," and from the 1970 census tract data on "General Characteristics of the Population" and "Occupancy, Utilization, and Financial Characteristics of Housing Units." *Prima facie,* an objectively segregated school zone thus appears to have been established and adhered to in a series of zonings that has tended advertently to reinforce rather than to mitigate the educational disadvantage of an imbalanced school. *Cf. Chance* v. *Bd. of Examiners,* 2d Cir.

1972, slip opinion 2547, 2564 (and cases cited therein). Certainly an imbalanced school is not invidiously segregated *per se* if its imbalance is a result of housing patterns only (*cf. Swann* v. *Board of Education,* 1971, 402 U.S. 1, 25-26), but that appears to be not the present case. Here, an artificial and irrelevant factor appears to have intruded, the boundary between the boroughs, and to have exerted an unjustified influence on zone planning.

At the same time, immersion in the wealth of data that the Board has furnished demonstrates that the Lane zone is a part of the proverbial seamless web and that alteration of the zone can worsen rather than ameliorate the imbalances that appear to be present. While the data are given in terms of "Negro," "Puerto Rican" and "Other," it is far from self-evident that the classification is apt even for a "segregation" analysis. The data ignore income class patterns that may be as significant educationally as color and island origin. Quite possibly income class, expressed in neighborhood patterns, is the educational determinant, not color or island origin; the educational disadvantages of the segregated school may well be primarily that its characteristics are determined by the subculture of poverty and deprivation in which it is overwhelmed, and which defeats the motivation toward skill acquisition and denies the students the expectation of achievement that is a factor in begetting it. The language difficulty may present a still different complexity that makes the three-class approach of "Negro, Puerto Rican and Other even more an unsafe guide to any conclusion. Indeed, it may well be that what is concealed by the three way classification is that the disadvantaged schools are those in the old, shattered neighborhoods that have been, as it were, abandoned to the poor, among whom the Negroes and Puerto Ricans are in these decades most numerous, and the advantaged schools those in the newer or stabilized neighborhoods. But it is disturbing

that on the 1972 projections 33,349 of the 40,703 "others" to be enrolled in zoned schools will be in schools having 60% or higher of "other" population, and that of the 28,935 Negroes to be in zoned academic high schools, 0,408 are to be in schools having 59% or more Negroes in the school population, as well as some number of Puerto Ricans from disadvantaged neighborhoods.

The case does not then permit of summary judgment in defendants' favor nor do the data justify condemning what has been done without further inquiry.

Accordingly it is

ORDERED that plaintiff's motion for a p[illegible] injunction and defendants' motion for summa[illegible]dgment are denied.

Brooklyn, New York
April 10, 1972

John F. Dooling
U.S.D.J.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

DE FELICE,

Plaintiff,

-against- : 71-C-502

BOARD OF EDUCATION,

Defendant.

----------x

United States Courthouse
Brooklyn, New York

May 5, 1972

B e f o r e:

HON. JOHN F. DOOLING, JR., U.S.D.J.

ANTHONY MANCUSO
Acting Official Court Reporter

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APPEARANCES:

MORTIMER TODEL, ESQ.
Attorney for Plaintiff
150 East 58th Street
New York, New York

J. LEE RANKIN
Corporation Counsel
Attorney for Defendant

BY: CHARLES D. MAURER, ESQ.

* * *

THE CLERK: DeFelice versus the Board of Education.

Both sides ready.

MR. TODEL: Yes, your Honor.

THE COURT: Is there anything you gentlemen want to say first?

(No response.)

Well, I take it that what we are here for is in pure answer of the earlier memorandum to decide our next steps in this case and you see I did not grant a motion for injunction or a motion for summary judgment since I thought that there might be further illumination that could be supplied by one or both parties and in any event it did not appear to me clear that the City would be prepared -- the Board would be prepared to agree that it had not done everything that it could be expected to do in order to achieve what I conceive to be acknowledged objectives of reducing imbalances to the lowest possible level.

So, if any of you, either side, does wish, does have any definite ideas about

material that should be presented, why not put them forward now.

MR. TODEL: If the Court pleases, that was my understanding from reading your memorandum and I'm prepared to go ahead with one witness, who, I think, will be able to be of help to the Court in this situation.

He is not an adversary witness. He is here to tell what the facts are so it could be of help to the Court in this matter.

THE COURT: Who is that witness, someone you know, Mr. Maurer?

MR. MAURER: No.

MR. TODEL: It's the principal of Franklin K. Lane High School, Mr. Morton Selub, and I felt that he would be the person who would be familiar with the school and with the problems and also with the whole question of the possible rezoning of Franklin K. Lane High School.

MR. MAURER: If it please the Court, the way I read the opinion, I got the impression that our reason for being here was to hold a more or less informal conference to

ascertain where we were with respect to this case and what steps would be taken in the future towards a resolution of the case one way or another.

We are not prepared to put anyone on the witness stand for the purpose of giving testimony. Nor did we anticipate that the conference would be along such lines.

Rather, we felt, and in view of the way this case --

THE COURT: Why don't we cut through by asking Mr. Todel what he expects to show through the witness.

MR. TODEL: We will show to the Court, what the school population is in Franklin K. Lane, where the school population comes, how the district is geographically located in terms of other districts.

THE COURT: Well, this we all know.

MR. TODEL: Also he will show, which is most important, how the education of --students are being deprived because of the condition that does exist in a segregated school.

THE COURT: The only part of that that

seems to me to be not already in the record or ascertainable by much more satisfactory records than oral testimony is the statement with respect to educational disadvantage arising out of the present situation.

MR. TODEL: Also, your Honor, he would also testify how he feels this situation may be remedied.

THE COURT: Oh, there I take it he can talk to you and you can put it in your brief.

MR. TODEL: Well, yes, I could do that, your Honor.

In other words, I would say that he would testify for the purpose of the Court of having a live witness describe how the education of the students at Franklin K. Lane, because of the segregated condition of the school, is detrimental to the education of the students.

THE COURT: I take it the principal would be able to return at a later date for cross-examination in the light of any follow-up that Mr. Maurer might wish to present.

MR. TODEL: Yes, and he would be available for cross-examination today, also.

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THE COURT: Yes, sure.

MR. MAURER: Your Honor, if I may interject here.

THE COURT: Well, we might as well do what we can do here and get on with the rest of the material as well.

MR. MAURER: Your Honor, I was assuming that we don't know really what our next step is going to be; whether it would be an ultimate trial or discovery or whether it would be working out a settlement or whatever.

I don't think any of us know. Before we know what's happening --

THE COURT: I don't see how you would be disadvantaged listening to the principal and these data if they are solid accountable data.

MR. MAURER: I don't think it's necessary for us to go through the formality of taking formal testimony.

Why can't we just sit today at a conference table.

I have several representatives of the Board of Education here. I am sure that the

Court has some questions with respect to how we should proceed, and how we should progress.

I brought these gentlemen down here primarily because they might be able to provide some answers.

It was not our intention, and certainly in preparing for today, it was not my intention to be prepared for the taking of formal testimony and cross-examination or even to go on record.

I was hoping that we would be able to sit, possibly in chambers, as we have done in the past, to thrash out what the issues are or what information the Court feels is necessary, further information the Court feels is necessary to produce so we can come to a resolution of this matter.

I certainly didn't think we would go through the formality that we are going through now.

THE COURT: I was not that explicit.

MR. TODEL: If the Court pleases, my understanding -- and your Law Clerk did call me yesterday afternoon, and I was surprised

because my reading of your memorandum -- it stated that there would be a hearing.

THE COURT: I don't think we are talking about anything that is worth talking about.

Let's move ahead. I don't care what it is that we do.

How long would this testimony take?

MR. TODEL: I don't think it would take longer than a half hour.

THE COURT: And if you want to delay your cross-examination to another time or think it is not worth cross-examining -- let's get on with the other matter.

MR. MAURER: Your Honor, first of all --

THE COURT: All right, now what?

MR. MAURER: -- are we in the midst of a trial in the merits of this case?

THE COURT: There is no Jury.

MR. MAURER: Wouldn't this be proper in pretrial discovery or examination before trial?

THE COURT: Yes, sure we can go through all that. We can do anything we want.

MR. MAURER: The understanding I had

with respect --

THE COURT. I can't understand how you are hurt.

MR. MAURER: Primarily, my concern is if we take the testimony, we take testimony and it's testimony taken, in effect, in a vacuum and we've met, we've taken testimony and then I would have to come back for cross-examination.

But I don't know where I am or what's happening.

THE COURT: As I understand, you will be hearing what Mr. Selub believes to be the educationaldisadvantage arising out of the present composition of the student population at his school.

How you will be disadvantaged by that passes my understanding.

MR. MAURER: I've indicated my o bjection.

THE COURT: Yes. All right, let's proceed.

MR. TODEL: Mr. Selub.

MORTON SELUB, called as a witness herein, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: Would you state your name, sir?

THE WITNESS: Morton Selub.

DIRECT EXAMINATION

BY MR. TODEL:

Q Mr. Selub, by whom are you employed?

A The Board of Education of the City of New York.

Q And how long have you been so employed by the Board of Education?

A Twenty-five years, approximately.

Q And what is your present position with the Board of Education?

A Principal of Franklin K. Lane High School.

Q And how long have you been principal of Franklin K. Lane High School?

A I'm completing my fifth year now.

Q And prior to your being principal of Franklin K. Lane High School, what position did you hold with the Board of Education?

A Chairman of the English Department at Martin Van Buren High School.

Q How long were you Chairman of that department?

A Six years.

Q And Mr. Selub, how many students are there in Franklin K. Lane High School, say as of September of 1971?

A There were approximately forty-six to forty-seven hundred, thereabouts --

Q I see.

A -- forty-eight hundred.

Q And is Franklin K. Lane High School on a single session or is it double session?

A It's single session with an extra period which we call the zero period. It starts before the regular session.

Q And do you know from what sections of Brooklyn the children come to your school?

A Yes. The bulk of the students in the school come from East New York and Bedford-Styuvessant.

Q And is the school located in a white area or a black neighborhood?

A The school is located in Cypress Hills on the

edge of the Woodhaven section and it's primarily white, in fact, almost completely white.

Q And do you know what the racial composition of Franklin K. Lane High School was in September?

THE COURT: That has all been stipulated.

Q Mr. Selub, do you know how many students come to your school, as of the beginning of a year with reference to first attending your school, say, inthe 9th or 10th grade?

A Yes, approximately 1300 in the last entering class.

Q And does that include 9th grade and 10th grade?

A Yes, primarily they are the 9th grade, about a thousand or 1100 in the 9th grade and the -- the bulk in the 9th grade, the rest of the students in the 10th.

Q And do you know what the -- how these students who come to your school, how they achieve in terms of competency, according to the standards set by the New York State Department of Education?

A Yes.

Of the entering class, those who took the New York State Minimum Competency Test, over 70 percent

are below minimum competency in reading, and slightly more than that are below minimum competency in arithmatic.

Q What does minimum competency mean, Mr. Selub?

A That's the group in terms of performing the test, the bottom three sustainers are approximately 33 percent of those who are tested, at the bottom, it's not a grade equivalent.

In other words, these students are not only below grade from the point of view of high school entrance, which would be 8.59, they are below, more than two or three years below.

There is no specific grade level given for that, it's just that 70 percent or more of our students fall into the bottom third of those who are tested.

Q And what educational facilities does Franklin K. Lane have at the present time to give these children an education?

A Well, I'm not sure exactly what you mean by that, Mr. Todel.

Q All right.

THE COURT: Compensating programs; is that it?

A Yes, we have some compesating programs for students who enter and who are put in the collegebound program, which is a Federally funded program.

Q And how many students are in that program?

A A hundred in the entering class and we have 200 others from previous classes.

Q In other words --

A 300 students who are in the collegebound program.

Q And what is the collegebound program?

A It's a specially funded program which is supposed to take risk students and give them compensatory education with smaller classes, something like -- I think the standards are something like 20 or under in English and Social studies classes, 15 to 18 in some other classes and 15 or below in math and science.

These classes are, in many cases, half or less than half of the number found in the normal class.

They also get a double period in English. They are eligible for certain summer emendation , summer school. They go on special trips. They have a guidance counselor for a group of 100 and two family assistants who make contact with the home and form a liaison between the school and the family.

They get a great deal of educational support and

guidance support.

Q From your knowledge of these students, have you found that these students continue their education after Franklin K. Lane High School?

A These are probably among the most successful students. I like to point out, in other schools, the collegebound might very well either be at the middle or below the middle of the class in terms of achievement but that in Franklin K. Lane the level of achievement is such that the collegebound students form the backbone of our graduating class, all our school extra curricular activity, student government and so on.

Q Do you have any other program in the school?

A Yes, we have a program called "Toward Upward Mobility."

THE COURT: What is that?

THE WITNESS: Yes, that's a group of about a hundred students who were supposed to have gotten work student programs but unfortunately the economic situations have been such that they have been unable to find employment for these youngsters.

However, they, too, have a guidance

counselor, one for a hundred students and we have been very successful in retaining these youngsters in school and maintaining their interest in the program because they feel very much that somebody is concerned about them and anxious to see that their problems are understood and helped towards solution.

BY MR. TODEL:

Q So you have a hundred students in this particular program?

A Right, and we have another program as well other small programs called "STEPS".

Q What does that stand for?

A It escapes me at the moment. It's a job oriented program. We have something like 20 or 22 youngsters in it with a teacher acting as coordinator and guidance counselor for them and also does on-the-job supervision because they do have after-school jobs.

They get an extra period of English and a lot of guidance.

This program, too, is very successful in retaining the youngsters that are in it.

Q In other words, in your school you have

approximately 425 students who receive these special, special programs?

A Right.

Q And this includes more teaching, more periods, guidance counselors and so on; is that correct?

A Yes.

Q Now, for the balance of the students in your school, do you have any special programs?

A Well, we have some provision from the Board, an additional allotment -- a rather small allotment for remedial reading which comes to us through the State, I believe.

It doesn't amount to a great deal, though.

Q And approximately 4000 students, then, in your school do not have any special training?

A That is right. That is, they don't have a discrete program as set aside for them. They follow the normal program of the school and they have the normal educational services.

Q And do you know if there is any large dropout rate in the children who attend the collegebound or the STEP programs?

A Well, I can't give you exact figures. But the collegebound program holds pretty well. The -- by far,

the majority of the youngsters who start in the college-bound program finish up.

THE COURT: Finish high school?

THE WITNESS: Finish high school, yes, and many go on to college.

BY MR. TODEL:

Q Is there a large dropout rate with reference to the balance of the school?

A Yes.

Q Do you have any idea what the dropout rate is?

A Well, to get some idea, if you take the figure of approximately 1100 in the entering class, and that's the 9th year group, and 495 in JUne, for the candidates for graduation that we have this year.

It isn't exactly 1100 becoming 500, these 500 started four years ago and I think our entering class must have been at least that large, maybe a drop larger.

Q As an educator are you in a position to give an opinion as to whether or not the approximate 4000 students who are not in special programs are receiving the type of education that they should receive?

A That's a very sticky question, Mr. Todel.

I would say that we try to do the best we can,

but that the students that we get with a reading score below minimum competency in such numbers are in the 9th grade. It's almost impossible for us to provide the kind of supportive services that they should get.

We wouldn't even have the room to provide remedial reading classes for every student who should have it.

In addition many of these students who come to us are so badly disabled by their previous educational experiences that they -- they simply don't come with any degree of regularity.

They don't show up at the beginnnign of the term, if they do, they show up with great irregularity.

They cut classes because they already have a sense of failure. So there are many things that we would need to provide them with the kind of education that they should indeed get.

My own feeling is that most of these students could use something like the collegebound program. Because they are really, compared with our collegebound students, they are very high-risk students.

They are students who need an enormous amount of help.

Q It's only the collegebound students who are

receiving that help?

A Primarily, yes. That kind of practice supported service.

Q Mr. Selub, we all recognize --

THE COURT: May I suggest a question?

MR. TODEL: Sure.

THE COURT: What determines -- or who are chosen to enter the collegebound work?

THE WITNESS: The Federal Government sets down the guidelines.

They are selected by the guidance counselors in the fetus schools and we select from among those.

The class must obtain something like 25 percent who are above grade level and the rest may be retarded up to two years in arithmatic and English.

THE COURT: But its definitely people who are thought to have promise but who are handicapped?

THE WITNESS: That's right.

THE COURT: Preparationally handicapped?

THE WITNESS: That's right, your Honor.

THE COURT: So the combination of the two things is essential to get into the collegebound program?

THE WITNESS: That's right.

THE COURT: Problems, plus handicapped.

THE WITNESS: I don't think it's problems so much as not being so disadvantaged -- that is, having had some desire -- they express a desire to go to college.

There are three-quarters of them, maybe, disadvantaged or retarded to some extent but the extent to which they are retarded is strictly limited whereas in other schools, more favored schools, from the point of view of where they are located, and their student population, these youngsters would indeed seem to be severely handicapped.

In Lane they would fit right into the mainstream, either at the middle or above. They are not, in the terms of

Franklin K. Lane, handicapped.

THE COURT: In terms of the Federal Government, as regards for supported children who express a not foolish desire to go to college but who are below grade but not too far below grade in achievement?

THE WITNESS: Yes, sir.

BY MR. TODEL:

Q Are you limited in the number of students who could be in the collegebound program?

A We are limited in terms of our actual space.

As a matter of fact, I regretfully had to turn down a group of collegebound students two years ago, because the collegebound students take up approximately -- 100 collegebound students take up the education space in terms of the program of close to 200 or so normal students.

That's because of the small classes and the fact that they carry an extra period.

Q Now, as an educator, do you feel that Franklin K. Lane could handle a group of students who come in this 70 percent catagory below minimum competency, if there was a smaller amount of students than that?

THE COURT: Do not answer yet.

MR. MAURER: Objection, it's a leading question. I find Mr. Todel on occasion has a tendency to lead the witness, but on the basis of his questions, I think the witness is sufficiently competent to answer the questions without being led.

THE COURT: Let me hear the question again, would you.

(Record read.)

THE COURT: It's getting so that if he doesn't say yes, you would have a heart attack.

MR. TODEL: I will rephrase it then.

BY MR. TODEL:

Q Mr. Selub, you have testified that the students who make up the bulk of the student population of Franklin K. Lane are not receiving the type of education that you think they should receive; is that correct?

A That's correct.

Q What type of education should these students receive?

A I don't think -- I suggested a few moments ago that I thought a collegebound type of program, for our

truly disadvantaged student, our severely disadvantaged student would be very helpful.

There have been all kinds of suggestions put forth by educators for alternative education.

Those may or may not be the answer. My own feeling is that we have never given a try to these large -- to the severely disadvantaged students. Simply giving them smaller classes, heavier guidance support, more remediation, not necessarily in the most formal sense but in the sense of having people to relate to, people who could work with them more individually.

From that point of view, I would say that if we had not such a heavy load of incoming disadvantaged students, if they were not all the poor, with all the attendant problems, we could probably do something for them.

We could -- we could handle remediation for a smaller percentage of our entire student population.

When the numbers reach the numbers that they do at Lane and a few other schools as well --

When they reach those numbers, the school organization can't absorb this. We try to "steal" from some of the classes to provide remediation but you can do that only with a small number, comparatively speaking.

We have too many of the disadvantaged to be able to function properly with them.

I see from your face that I did not answer your question as to --

Q No, it's all right.

As an educator and having spent 25 years in the school system of the City of New York, can you make any suggestion which would be of aid to the Court as to what could be done?

A I think that the students at Lane are entitled to educational opportunities in a reasonable fashion.

I think that one of the problems is that Lane gets this very heavy bulk of the retarded and disadvantaged and we are zoned in such a way as to get them.

It seems to me that there are schools immediately contiguous to ours that could share in this burden without throwing them into the position of being overburdened in the way that we are at the present time.

In that way they, too, would be able to take part of the load of remediation of sharing out their guidance services.

There are other ancillary services like family assistance and attendance and so on.

Q Mr. Selub, turning to another point, how

do the children get to your school?

A A good many of them come by way of the Jamaica Avenue lines. Many of them by --

THE COURT: That's the --

THE WITNESS: That's the elevated line--

THE COURT: -- that runs along Broadway or what?

THE WITNESS: Along Jamaica Avenue, Fulton, Broadway. There's a transfer station a mile or two down. It goes off in two directions.

Both those lines pass through the western part of the Lane zone, the Broadway line and the Fulton Street.

THE COURT: That's a subway line?

THE WITNESS: It's elevated. Subway, too.

THE COURT: They also come by bus. Some of them take as many as two and three buses.

THE WITNESS: We get students who are in walking distance of the school, too. But that number, comparatively speaking, is quite small.

BY MR. TODEL:

Q Since you have been at Franklin K. Lane High School as principal, has any part of the district which included Queens or the white population of Queens, been taken out of the Lane district?

A Yes. Back, I think it was in 1969. The then acting superintendent of the high schools, Dr. Nat Brown, was entertaining a proposal for a zone change which would have gone further into Woodhaven and Ozone Park.

There was a great deal of resistance from the communities there. And that zone change never took place but in the process of considering that zone in some way or other, I don't know, it happened.

We lost a part of the Forest Park Co-op, which is in the northeast corner of our zone on the Queens side. It was a comparatively small area.

Unfortunately, it lopped off a group of students who, I think, about 70 or 80, who formed the backbone of some of our special offerings; honor classes, creative writing, chemistry, physics courses.

I don't know how it happened but suddenly one day they were there and suddenly they were gone. They had been agitating to be removed from the zone and then they were --

Q You mentioned something about these courses, that these students attended certain types of courses, honor courses; is that correct?

Since the period of time that you were at Lane has there been a cutback in the type of programming and types of courses that are given in Lane?

A Well, I suppose, you know -- I don't know whether there is a causal relationship or not, but I think that there is certainly a relationship.

As the school ethnic distribution has become more and more segregated --

MR. MAURER: Objection.

A -- and our --

THE COURT: Has the ethnic background changed?

THE WITNESS: Okay, has the ethnic background changed. The number of graduates has fallen to some extent and we have found that we have lost students who formerly took Hebrew, we have eliminated that.

We find it difficult to sustain the fourth year of language in Italian and German.

In fact, the number of courses has

dropped down to the point where we have some consolidations. We teach,let's say, 5th and 7th in the same room, because we are anxious to provide the youngsters with what they are asking.

A number of chemistry and physics courses were dropped.

THE COURT: Was that 4th year German and Italian?

THE WITNESS: Yes, sir.

We have no advanced placement. I think it's been a long time since we had any.

THE COURT: Advanced --

THE WITNESS: Advanced placement courses. These are special courses, your Honor, which are given to those who want to take college level courses at a pre-college point.

BY MR. TODEL:

Q You mentioned before something about some certain science courses which have been eliminated.

A Well, yes, we have lost a microbiology course. We simply don't have the takers. We have to provide

so many more of the subjects at the 9th and 10th year level with a great many failures it encloses of the number of 9th and 10th year courses that we give and stints us on the more advanced courses.

We simply don't have the kind of corps of students anymore. So in a sense the loss of these subjects deprives even those who are left in the school who would like to take this.

It limits their possibilities.

Q Do you have any commercial courses in your school.

A Yes, we do and we have had a decided drop in students taking stenography and bookkeeping.

THE COURT: When you say stenography, is it stenotype or stenographic?

THE WITNESS: No, sir, it's shorthand, Pitman or Gregg.

I think we give Pitman and the student who takes this --

THE COURT: Aren't they dropping off anyway?

THE WITNESS: No, they are dropping off primarily because they find it so difficult. They have trouble enough in reading

and writing and there is another writing and reading skill involved, another kind, in a sense, another alphabet, speaking loosely, so that there's been a drop off in that.

We try to promote, wherever possible, courses that will meet the student's needs, for instance, it's not all a negative picture.

I must admit what I'm presenting here are the difficulties. We do offer courses -- for instance, one class of each of French stenography and Spanish stenography.

In most cases students who are native speakers in those languages.

BY MR. TODEL:

Q Did you ever have a course of advanced stenography?

THE COURT: Of what?

MR. TODEL: Advanced stenography.

A Yes, we still have those courses, but the number is very decreased.

Q Now, Mr. Selub, the Board of Education has

an option program, which permits students who are graduating in an intermediate school or junior high school to opt out to other high schools which are not in the Lane district even though they live in the Lane district.

Are you familiar with that?

A Yes, sir.

Q And what has your experience been at Lane with the number of students who may opt out to -- given three choices, I believe; is that correct?

A I think so. I'm not completely sure.

Q And have you found that these students still come to Lane?

MR. MAURER: Objection.

MR. TODEL: Excuse me. I'll rephrase the question.

THE COURT: I think we have to figure out whether Lane is in the program at all, whether it's in as a donor, if I can call it that, as a donor or donee school and to what extent.

BY MR. TODEL:

Q Mr. Selub, are the high schools located in the Lane zone district, are they part and parcel of

the option program of the Board of Education?

A The only high school in the Lane zone district is Lane.

Q Junior high school or intermediate schools?

MR. MAURER: Objection.

THE COURT: We have data on that.

MR. MAURER: Yes, but I think --

MR. TODEL: I don't think we have data, for example, your Honor, from the experience at Lane, that a person may have a choice of three schools, and Lane is the third school.

And the applications come to Lane High School with the first two schools crossed out and Lane has to take these children.

In other words, even thought they may opt out to other schools, they end up in Lane and this does not occur at the Lane High School but occurs at the junior high school area.

THE COURT: This is not high school?

MR. TODEL: In other words, when a child graduates from junior high school if he is in the option program or his area is in the option program, then he has a choice of going to other schools, other than Lane.

THE COURT: Which are named to him--

MR. TODEL: That's right.

THE COURT:--in his option, aren't they?

I mean, each child is a recipient of one of those notices.

MR. MAURER: Your HOnor --

THE COURT: It tells him exactly what school or schools he may opt to go to on a first come,first serve basis.

MR. MAURER: I think that's basically it. I think what Mr. Todel is trying to elicit from Mr. Selub basically, to the best of my recollection, is that there were two junior high schools that were in the Lane zone, where the graduates from those schools were given the option of going to a school other than Lane.

The only point is that there are so many seats available and depending on first come,first served basis, as your Honor said --

THE COURT: On the material that I had seen, I did not see that Lane was a school into which you could opt.

MR. MAURER: Your Honor --

THE COURT: The only question would be whether any children living in the Lane district zone, whatever you want to call it, school zone, were given the right to opt, to attend a high school outside their zone of residence.

Now, were there any people who lived in the Franklin K. Lane district who were given the option to attend schools other than Lane?

MR. TODEL: This is what I'm trying to -- my question is geared to that. There were children who were given that right.

THE COURT: I didn't see it.

Do you gentlemen know the answer?

MR. MAURER: Yes, as I said, there were two specific junior high schools. The intermediate schools were located in the Ocean Hill-Brownsville area.

THE COURT: Which is within --

MR. MAURER: The Lane zone.

THE COURT: -- the Lane zone.

MR. MAURER: One of them is I.S. 271 and

the other one was I.g. 55.

THE COURT: Could opt?

MR. MAURER: Could opt.

THE COURT: Where could they opt to?

MR. MAURER: To either South Shore High School, James Madison High School, Midwood High School or Franklin K. Lane.

THE COURT: They wouldn't be opting in the case of Lane?

MR. MAURER: They may decide that they would prefer to go to Lane as opposed to one of the other schools.

THE COURT: And express a preference to their own district schools?

MR. MAURER: Right.

And this was noted that the assignments would be made on the availability of seats and geographic location.

The point is that there are only so many seats available for the free choice students and what I gather from what Mr. Todel was about to as[illegible] some children's applications were rejected.

If there were students whose

applications were rejected, I would presume that it was because the seats had been filled.

And I think --

THE COURT: They can't be rejected on any other ground except first come, first served?

It wasn't a selective preference business?

MR. MAURER: No.

I think, your Honor, on the opinion on page 15 you recognized --

THE COURT: Recognized without rejoicing it.

I suppose we could all agree forthwith that someone ought to double the appropriation for the performance of educational tasks in the City of New York.

THE WITNESS: Your Honor, may I interpose at this point. I'm not sure --

THE COURT: You better accept Mr. Todel's guidance.

THE WITNESS: All right.

BY MR. TODEL:

Q Mr. Selub, Mr. Maurer, the Assistant

Corporation Counsel had mentioned the schools, IS 55 and IS 271 and they are located in the Ocean Hill-Brownsville district; is that correct?

A Yes, sir.

Q Do you know of your own knowledge, or possibly we can get this information if you do not know, how many students come from IS 271 and 55 into Lane who had opted out into other high schools but ended up in Lane?

MR. MAURER: Objection, too broad a question.

MR. TODEL: When I say opted out, they have a first -- first choice, second choice, third choice or fourth choice.

When they come to Lane the first three choices have been crossed out. This is the point I want to bring out.

A Well, I can't give you that information offhand. I do know that we do get applications like that and it's very rare that we get applications like that from the students and we assume that there must be students at 271 and 55 who achieve at higher levels.

We very rarely get an application like that in which the student has opted elsewhere and has wound up

with us.

I simply know that this is a statement of fact.

THE COURT: I didn't understand the answer at all.

THE WITNESS: Well, we get students who have opted for the other schools, have not been accepted there. It's very rare indeed that we get an application in which the student who opted elsewhere and wound up with us was a student with a high level of achievement.

Usually, and this I will admit as a matter of hearsay, that guidance people in the sending schools direct their more competent students to opt -- into the schools for which they may exercise an option and discourage those who do not do well.

MR. MAURER: I move to strike that answer.

THE COURT: I'm not sure that we are not altogether talking cross-purposes because as I understand the situation you are not required to fill out an application to opt out. I don't know what the basis of

notification of the student in the feeder school is, but as I understand it, not every student in IS 271 and at IS 55 is an automatic applicant for permission to attend a school outside his district, only a certain number exercise their quasi right to ask for attendance outside their native district.

The number is small. The number who apply to go to schools outside their own district may be large, but the number accepted is inevitably going to be small, as a percentage of those who express the wish, when you are in the district of a notoriously disadvantaged high school, if any such there be.

All we are saying here is that Mr. Selub has a kind of suspicion, which he can't quite support with evidence, that somehow or other, the ones who are successful in opting out and are not, as it were, therefore, coerced to go to Franklin K. Lane or to diocesant high schools are the poorest of those who have opted out.

Now that I take it, Mr. Maurer will

say, that he feels confident Mr. Selub -- that is not the fact if that is done on a fair and equal selection basis and is not oriented to get the best kids into the other schools.

In other words at that point there is no loading of the dice against your school, but the significance, I would suppose, and the only significance here would be what is the percentage of opt out requests in the Franklin K. Lane district as compared with other opt out districts.

And I would suppose, for example, Richmond Hill or South Shore are not opt out districts, are they?

THE WITNESS: I think there are some schools that are definitely opt out. You have no freedom of choice unless you are a candidate for Tech or something.

THE COURT: But that would seem to be the only valid comparison.

How does the average person who would normally go to Franklin K. Lane feel about one who opted out assuming a three-way

judgment made up of a child, two parents, maybe an older brother or so or sister. I guess we have no data on that out of the top of our heads.

MR. MAURER: I don't think we could immediately provide the data comparing the Lane zone, for example, with the Boys' High School or Eastern District or the others. I don't think it could be done in a matter of 30 seconds or so.

THE COURT: No, I think that would be pretty sticky there.

Probably you would have only the current data on that anyway. Because I don't think you save it.

MR. TODEL: I think we could, for example, at Lane, I think at this particular time the applications do come in from junior schools to the students who come to Lane.

If Mr. SElub could obtain this with the assistance of someone in his school and show how many opt out and how many opt out to other schools and end up in Lane, I think that could be shown.

I forget but don't we have the number in the record now, that out of the 17 to 1900 opting out, the cases that are possible in Brooklyn,that the number of applicants to opt out are a four or five fold?

MR. MAURER: We don't know exactly. But I would assume that it is a substantial amount above the number of seats available.

THE COURT: I thought we had that number.

MR. MAURER: If we were to hazzard an educated guess on it, it would be about 2 to 1.

THE COURT: Only about half of the opt outs are satisfied?

MR.MAURER: Yes.

THE COURT: This as opposed to the speculation of 4 or 5 to 1.

BY MR. TODEL:

Q Is there a middle-income project in the Ocean Hill area, that you know of?

MR. MAURER: Objection, again, your Honor. I object to the form of the

question.

THE COURT: It doesn't ask, it doesn't suggest to him whatthe answer is. That, I am dying to hear if,that is,provided that the part of Ocean Hill you are talking about is in the Franklin K. Lane district.

THE WITNESS: Yes, I believe it is. If what Mr. Todel has in mind, what I have in mind and I think it's Atlantic Housing or Atlantic Towers, I think it is.

BY MR. TODEL:

Q Is that a middle-income --

A I believe it is. Middle income. I believe it is a middle-income development.

Q That's in the IS 271 and IS 55 area; is that correct?

A I don't know whether it's in their zone but it falls in the Ocean Hill part of our zone.

THE COURT: What is the name of that?

THE WITNESS: Atlantic Towers, I think it is.

Q Do you know or could you find out whether or not any students who live in this middle-income

project go to Franklin K. Lane?

A Well, there certainly should be some. I can't tell you right offhand. I think it's a -- I've never really taken a study on that. Again this is one of the things -- the complaint brought to me by guidance counselors is that we don't see many of the students from there.

So it's sometimes very difficult to -- it's difficult for students who don't go to our school who are in our zone to find out whether they legitimately change their address or whether they are living with an aunt indeed and we never seem to get anything out of it.

THE COURT: The children establish voting residency, as it were.

THE WITNESS: They go to live with their grandmother or aunts.

THE COURT: They say they are.

THE WITNESS: Yes.

When I investigate they supposedly show you a room that is used by the youngster. I think we pretty much have given up investigating that kind of complaint.

MR. TODEL: No further questions at

this point.

THE COURT: You want to ask any questions at this time or would you rather defer?

MR. MAURER: I'd rather defer.

THE COURT: All right.

I'm afraid you may be asked to come back on a later occasion.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Now, it seems to me that there are a number of things that are troublesome here. I'm sure you are not simply happy with my saying that I think whatever is done in this area of drawing zone lines, does establish a de jure segregation if it is a fallible situation.

And I don't expect you to rejoice over the idea that this school is not one of the umbrellas of being a neighborhood school because it isn't central to its neighborhood inasmuch as the existance of the borough boundries is really irrelevant.

Remember, we went into the question

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earlier of whether there was a difference in tax rates and found there was.

MR. TODEL: Yes.

THE COURT: I imagine the California decisions, Texas decisions, have made things somewhat irrelevant since they apparently suggest that maybe the State or the Federal Government should finance all the schools directly and on a basis determined by educational needs and not by local taxables.

So what I had visualized here is that there is a prima facie case for -- at this moment, for some kind of drawing of, -- redrawing of district lines subject to questions which it seems to me we haven't really cracked open at all and that is whether in this city at this time we can continue to use the three-way classification of Negro, Puerto Rican and others with any confidence that we are using a meaningful three-way split.

Now, the Puerto Rican classification seems to me to be mixing apples and pears in here in a certain sense because we do

know that there is one whole aspect of Puerto Rican school population which is entirely distinct from anything else that we are talking about in this case in terms of invidious discrimination and that is that it can be the signal of a language problem.

In other words, it rather outlines a condition of educational task, rather than of discriminatory segregation. For example, if you say that a school-- and I think we have some up in the northwest corner, don't we? Maybe it was a junior high school, I can't remember now.

The school is more Puerto Rican than anything else.

MR. TODEL: Bushwick High School.

MR. MAURER: Eastern District.

THE COURT: Eastern District.

MR. TODEL: And Bushwick also.

THE COURT: That's way up in the Greenpoint area, isn't it?

Yes. Now this might mean simply that it was from the black or white point

of view a white school with a bilingual problem but would not involve any question of discrimination from the Fourteenth Amendment point of view, traditionally.

It might raise a very real due process problem. In the State of New York where we have compulsory education, are you giving education to children who can't speak English if they don't speak English.

But that would be something very different from the problem we have been discussing, talking about the educational disadvantage that flows from the failure to integrate the education of black and white children together in which each is deprived of the opportunity of being educated with the other, it being fairly obvious, I suppose now, that unless we're educated together we're only half educated and I suppose that's what in part we're talking about.

Now, the other thing that I think we have increasingly revealed in here and

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this is something which I guess -- I would guess is going to become ever more sharply emerging and that is whether the heart of the problem here isn't income segregation as much as color segregation, that it's the very poor who are so disadvantaged educationally when they get into school, quite without reference to their color.

It's whether they come out of a background of poverty and ignorance and lack of that large segment of all of our educations that we got in preschool days at our mother's knees without even knowing we were being educated.

I'm not sure that you get it at the knees of "Mother TV" as well as you did at mother's knee, apparently not.

So that then the third area that I thought, felt a great deal of uncertainty about is what I referred to, is seen, as a web problem here.

I know that you can't help School A in the sense of rounding out its district so that it represents some ideal sentry without

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having changed, automatically, the lines of neighboring schools with what consequence.

Now, to put it in one way, as a Boys' High School man myself, all I can see is that if you make Franklin K. Lane a neighborhood school in the real sense of the word so that it serves the neighborhood most accessible to it in all directions, one thing that is going to happen is that a lot more boys are going to be bumped back either into Boys' High and they in turn will be bumping people down into the other schools and the other thing is down at the south end of Franklin K. Lane district.

If alterations were done there, you would obviously have to take the children somewhere, where those would naturally fall into, what are those down there, South Shore and then over beyond to Tilden?

MR. MAURER: Canarsie.

THE COURT: Canarsie and Tilden.

But we could see at once that all these would be affected and that at the same time, of course, you would be creating

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space in Richmond Hill and the other adjacent schools in Queens. With what effect on Jamaica and the other ones farther east and southeast, we just couldn't visualize.

So that rather than just say, well, you can't, we can't, I remember in the days of the well made play, there always came a point toward the end of Act III where somebody said, "We can't go on like this."

That was supposed to mark the climax in place and it usually was the climax of your interest, too, because you felt that you could go home.

Now, I think from my point of view, I thought we ought to see what, if anything, we could visualize as what are the heart questions here and which direction can we move.

That's one of the reasons why I was -- I'm glad we heard Mr. Selub, however painful it was to you, Mr. Maurer. Because it seemed to me he was saying something a little bit like what I had suggested here,

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and that is that part of the problem and maybe the irremediable part of it, at least in our present economic situation, is simply that there are not enough education resources there to do a job that he senses from the collegebound program could be done if you could do for everybody or everybody would fall within collegebound guidelines.

If you could do for all of them what you try to do for the collegebound group, you would come a great deal nearer to achieving the educational objective of satisfying the education needs of people whom you need to educate and who are under a duty to stay in school and whose parents are under a duty to send them to school and indeed, I think there is even a power to tax to the extent necessary to educate in this State.

The law is, in my opinion, granularly that clear. That is why I thought we ought to see if we know of a way of getting an insight into these probelms and areas and to discuss the possibilities of direction

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of movement because I do think that there must be changes unless someone is able to satisfy me and the Appellate Court that the best has been done.

And on that, the data that we had so far indicated that the best was not being done.

Now, I think the Mekclanburg, Charlotte Mekclanburg School District, throws both light and darkness on the subject, of course, as usual, because it presents difficulties of interpretation, obviously, but what I wanted to get out of today's meeting, in part at least, was some sense of how can we move toward a resolution that wouldn't be just lashing about and what, if any, risks are implicit in changes that might come up for discussion.

Now, let me make one thing clear. At least in the first instance, I should have no voice whatever in how lines are drawn.

Our job is to tell you when lines are wrongfully or impermissibly drawn but

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not to draw them for you, because you might -- the Board of Education might wish to start by rubbing out all the lines and there isn't any limit to imaginative solutions.

There are only limitations on what can be done, arising out of the right of people not to be discriminated against.

Now, is there anything which you wish to suggest, Mr. Maurer?

MR. MAURER: Well, at the outset, I was hoping that we could, pretty much as I stated originally, that we could pretty much meet in chambers and I had brought representatives of the High School Department of the Board of Education, and the Central Zoning Unit of the Board of Education and that the specific issues which your Honor just expressed now, we could have possibly met and analyzed them; more questions could have been posed by your Honor and steps could be taken to answer them.

It seems that your Honor is indicating

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that, well, if the Board of Education can show or prove to the Court's satisfaction that we had done as good a job as possible under the circumstances, well, then the plan stands.

THE COURT: Well, I do not want to suggest to you I think that's very likely.

MR. MAURER: I think the second half sort of gives us the impression, well, if it's not going to stand, these are certain factors to be considered in getting up a new plan.

I think at the outset we still have to ascertain whether the plan is adequate. I don't know what the Court has in mind as to how we go about doing it, whether it would be the plaintiff putting on testimony to prove his case, a show of the inadequacy, or whether we should be sitting in chambers and trying to analyze the problems that are being faced, try to provide documentary evidence to support the action taken by the Board or whatever and then possibly at some later date, set it down for pre-trial,

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whatever.

I don't know. My feeling was originally at the outset we would sort of have this conference.

THE COURT: We can confer here, as well as anywhere else, can't we?

MR. MAURER: I was hoping it would be in the informal plane, something like what we were doing in prior conferences during the course of this case.

THE COURT: That's all right with me however we do it.

Do you want to clear an end of the table so that Mr. Todel can move in there.

* * * *

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

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CHARLES DE FELICE :

-vs- : 71 C 502

THE BOARD OF EDUCATION OF THE CITY OF NEW YORK :

----------x

United States Courthouse
Brooklyn, New York
December 13, 1972
10:00 O'clock A.M.

B e f o r e:

HONORABLE JOHN F. DOOLING, JR., U.S.D.J.

WINFRED LEWIS
OFFICIAL COURT REPORTER

APPEARANCES:

MORTIMER TODEL, ESQ.,
Attorney for Plaintiff.

NORMAN REDLICH, ESQ.,
Corporation Counsel, City of New York
Attorney for Defendant.

BY: DORAN GOPSTEIN, ESQ.,
Of Counsel.

. . . . .

Tape #1
HLEG/slc

THE CLERK: Civil cause for trial, 71-C 302, Charles DeFelice versus the Board of Education.

MR. TODEL: If your Honor please, I would respectfully request for the purposes of this trial that all exhibits and all papers that have been submitted on a motion for summary judgment be marked as papers which can be used and referred to during the course of this trial.

MR. GOPSTEIN: I have no objection, your Honor. What do you think their status would be?

MR. TODEL: Actually I'm referring to -- there have been statistics which have been presented by the Board of Education from their records which I'm not questioning in any fashion at all. We will refer to the statistics during the course of this trial.

THE COURT: All right.

MR. TODEL: I now respectfully request, in view of a hearing which took place on May 5 before your Honor, at which time Mr. Morton Selub, who was the principal of Franklin K. Lane High School, testified that his testimony be part of the record of this case, and that he would be available here for cross-examination. In addition, I would also

put him on the stand to ask him questions, just a few further questions to bring this matter up to date.

THE COURT: Was that transcribed?

MR. TODEL: Yes.

THE COURT: Have you had an opportunity to read it?

MR. GOPSTEIN: I have had an opportunity to read it. It seems to me that was held in a more formal setting.

THE COURT: The oath was administered?

MR. TODEL: One furtherthing in terms of bookkeeping for the case, on December 5, 1972, I served two subpoenas, one on Mr. Irving Anker, who is a defendant in this case, and also Mr.Scribner who is a defendant in this case, and I had also advised Mr. Gopstein, although he may have misunderstood what I said, that these people have been served. He advises me this morning that he just learned that the subpoena that had been served had not been served by Mr. Scribner personally or his counsel, or on Mr. Anker personally. I have been advised when service had been made, and I do have the subpoenas here

which I dated December 5, 1972, and had been served at 10:45. The case which the plaintiffs will put in is not a long case, your Honor, and the testimony of these two witnesses who have been subpoenaed will not be long testimony and I respectfully request I can serve these people over if the Court wants or if the corporation counsel insists that they should be served personally. However, I feel they are public officials who have an awareness of this case and their testimony from each one will not take more than 10 or 15 minutes, and I would not have to be put to the trouble of serving subpoenas again.

MR. GOPSTEIN: Mr. Todel called me last week to tell me who he intended to subpoena for this trial, and among them was Chancellor Scribner and Mr. Selub. Mr. Selub told me he had been subpoenaed again. I called the Chancellor's office and I spoke to his counsel, almost every day, practically every day until yesterday, to find out if subpoenas had been served on Chancellor Scribner or Anker, and I was told it had not been. I thought perhaps Mr. Todel thought not to take their testimony.

Yesterday afternoon Mr. Rosner, Mr. Scribner's counsel, found out about a subpoena that was served on the office of the Board of Education but never served personally on Dr. Scribner or Anker, and the point is, they were not aware of the subpoenas until yesterday. I had not discussed the matter with them, assuming that Mr. Todel did not intend to call them. It's no intention not to make them available, but as of late yesterday afternoon, they had not been served properly, that's perhaps a technicality, and was impossible to have it available for today.

THE COURT: Very unpleasant. Let's proceed as well as we can.

M O R T O N S E L U B, called as a witness, having been sworn by the Clerk of the Court, assumed the stand and testified as follows:

DIRECT EXAMINATION

BY MR. TODEL:

Q Mr. Selub, do you recall you testified here in this courtroom on May 5, 1972?

A Yes, I do.

MR. TODEL: May I have this marked?

THE CLERK: Marked for identification Plaintiff's Exhibit 1.

BY MR. TODEL:

Q Mr. Selub, I show you Plaintiff's Exhibit 1 and ask you whether or not you recognize what this is; yes or no?

A Yes, I do.

Q And is this a copy of a paper which is kept in the regular course of business of the Franklin K. Lane High School?

A This is a copy of a school census, ethnic census.

MR. GOPSTEIN: Do we have an additional copy of that?

MR. TODEL: I'll make that available to you.

THE COURT: He wants it now.

MR. TODEL: All right.

BY MR. TODEL:

Q And this is the ethnic census of Franklin K. Lane High School?

A Yes, sir.

Q Does it contain the current census besides the censuses for 1966 through 1972?

A Yes. At least to my recollection. Yes, that includes-- this goes up through the census that was taken in September of 1972.

MR. TODEL: At this time Plaintiff offers in evidence Plaintiff's Exhibit 1.

THE WITNESS: Mr. Todel, that was either September or October that it was taken, the semester.

THE CLERK: Now Plaintiff's Exhibit 1 in evidence.

(So marked.)

MR. TODEL: May I proceed, your Honor?

THE COURT: Yes.

BY MR. TODEL:

Q Mr. Selub, during the course of a school year, is Metropolitan Achievement Test given at Franklin K. Lane High School?

A Yes, in October.

Q Of each year, October?

A Yes.

Q In other words, when would results come out on these examinations?

A It takes several months. I believe it comes out in March or April.

THE COURT: But they are administered?

THE WITNESS: In October.

THE COURT: To the entire school entrants?

THE WITNESS: Entrants in ninth-year group.

THE COURT: The entrants.

THE WITNESS: Yes, sir.

THE COURT: You said October or September?

THE WITNESS: It was given in October.

BY MR. TODEL:

Q And the results come out sometime in March or April of the following year?

A That is correct.

Q And in October of 1971, were such tests given to students at Franklin K. Lane High School?

A Yes, sir.

Q Approximately --

THE COURT: That's to the entrants.

MR. TODEL: Entrants' group.

BY MR. TODEL:

Q Approximately how many students?

A I would say approximately half the entering class took it, about eight hundred, thereabouts.

THE COURT: It's not mandatory, across the board?

THE WITNESS: It is mandatory but only of these students. We have a special test day on the same day we give the Regents' Scholarship. Today we give the ninth-year reading, we require the students to come in, but the attendance in school is very poor and on this special day it may be a little poorer; we don't get to test all of the students.

BY MR. TODEL:

Q And you say approximately half the students entered in Franklin K. Lane in October, 1971, took this exam?

A That is correct.

Q And do you know how many students, what percentage of the students scored minimum competency in reading?

A Above minimum or below?

Q Below.

A Approximately 70 percent.

THE COURT: Seventy percent were --

THE WITNESS: Were below minimum competence.

THE COURT: What does minimum competency reading for a ninth-year entrant mean?

THE WITNESS: It isn't a specific grade level. It is the lowest 23 percent of the tested group. In other words, on the standardizing process, they set up a level; I don't know how they arrive at this as being below minimum competency, but they took the bottom 23 percent, what they call the last three stayines, and I don't remember my statistics, except it comes out to 23 percent, bottom three stayines, 23 percent of the tested group. 70 percent of our students fell into the same level of achievement as the lowest 23 percent of the testing sample, and that is a level that is considerably below grade level, but there is no specific definition.

BY MR. TODEL:

Q Now, Mr. Selub, you mentioned earlier one of the questions put to you by the Court --

THE COURT: Let me see if I understand. All right, Mr. Todel.

Q In answer to one of the Judges' questions to you,

you mentioned about half the entry class did not take the test; is that correct?

A That is correct.

Q Now, as an educator, I think you testified in May that you have been an educator about 25 years or so, and you have been a principal of Franklin K. Lane for a number of years?

A Yes, sir.

Q Do you have an opinion from your knowledge of the Board of Education and the students who attend Franklin K. Lane, how the students who did not take the test, how they would score, if you know from your experience?

A My experience would indicate that those who did not take the test are probably more severely educationally damaged than those who took the test; those are the students who had the greater number of problems and probably had lower reading scores, they would score at no higher than the others and possibly considerably lower.

Q I believe you tesified in May that you have been principal of Franklin K. Lane since approximately 1967 and 1968?

A September, 1967.

Q And during the course of your being principal of the school, have you had discussions with the superin-

tendents, assistant superintendents, or Board of Education, with reference to the problem as to the zoning of Franklin K. Lane students?

A Yes, on various occasions.

Q And who have you spoken to recently?

A I've spoken to my current superintendent, Mr. Dombrow.

THE COURT: HOw do you spell that?

THE WITNESS: D-O-M-B-R-O-W, first name, Oscar.

BY MR. TODEL:

Q And who else have you spoken to?

A I have spoken to the now-retired, superintendent in charge of the high school office, Jacob Sack. I have been at meetings which involve Mr. Dombrow and Superintendent Joseph Brennan.

Q Who is Joseph Brennan?

A He is the superintendent who supervised approximately half of the high schools in Brooklyn.

Q In your discussion with these superintendents, assistant superintendents,have you discussed with them the rezoning of Lane High School?

A Yes, I've talked with them many times about that.

Q Have you discussed with them how Lane could possibly be rezoned?

A We have never gotten into specifics because the problem

that is always raised -- the answer all we had gotten, where would they put them, how could they possibly arrange it. They always talk about over-utilization of other schools and the difficulty of disposing of those that would not be zoned to Lane. They also tell me that Queens cannot be considered--

MR. GOPSTEIN: Objection, your Honor. I believe the witness is describing some very general statement by a very general group of people who are not in court right now. He's generalizing it to the degree we don't know when they said this.

THE COURT: Could you be as specific as possible?

THE WITNESS: At a meeting, last minute with Chancellor Scribner and Superintendent Dombrow concerning the problems of Franklin K. Lane, Mr. Dombrow raised the question of giving Lane some relief, and Dr. Scribner-- and I can't quote him verbatim -- said something to the effect, what would we do with them? When I suggested that the school needed relief --

THE COURT: You said that Dr. Scribner asked --

THE WITNESS: No, Mr. Dombrow said.

THE COURT: Can't we do something about relief?

THE WITNESS: Talking about zoning, and Dr. Scribner said, what would we do with those --

MR. GOPSTEIN: Objection. If the witnesses are to be called, they can be asked directly statements that they made, allegedly out of court.

THE COURT: But meanwhile, these are statements of the defendants, I suppose.

BY MR. TODEL:

Q You were stating what Dr. Scribner was saying?

A He said, what would we do with them? Mr. Dombrow said he didn't know, and Dr. Scribner indicated that that was not the purpose of that meeting. At that particular moment, we couldn't address ourselves to this problem, but that is to my mind an indication of the kind of reaction that usually takes place when a discussion of zoning about Franklin K. Lane takes place.

Q You mentioned that there had been, that you participated in, conversation with reference to possibly rezoning Lane High School so that part of Queens would be considered; is that correct?

A Yes, on various occasions.

Q Do you know with whom you spoke to, with reference to rezoning of Lane?

A Yes. I would not say that this was a meeting on zoning, but Deputy Chancellor Anker was at Lane when we were in the midst of very severe difficulties. He was then a superintendent, I believe, and we raised the question.

THE COURT: Now, this was when?

THE WITNESS: This was in 1969, in the winter. I would say either January or February, probably January.

THE COURT: Of '69?

THE WITNESS: Yes, sir.

BY MR. TODEL:

Q And what was said to Mr. Anker?

A We raised the question, not only I, but others who were at the meeting, and there were a number of teachers, and I believe that Elizabeth O'Daley, who was the superintendent of District 19, was present. We raised the question of relief for Lane and rezoning to include part of Queens, and there was an indication that they would look into the problem. Shortly afterwards, superintendent Nathan Bram, who was Mr. Anker's superior, decided that no such change could be taken because there was opposition from the people in Queens who would have been zoned in.

MR. GOPSTEIN: Objection, your Honor.

THE COURT: When and where was this said, and by whom?

THE WITNESS: I believe I have correspondence relating to it; I don't have it with me.

BY MR. TODEL:

Q Was this in the spring of 1969?

A Yes, it was.

Q And was this held at the Board of Education or was it held at Franklin K. Lane High School?

A No, Mr. Brown was at Franklin K. Lane, where he indicated to me in the presence of others who -- there were a number of people there. He indicated that the people in Woodhaven had registered very strong objections, and that meeting incidentally, although we were not rezoned for Queens, we were rezoned a trifle more out of Queens.

THE COURT: That's Woodhaven, you say?

THE WITNESS: Yes, sir.

BY MR. TODEL:

Q Did that also include the area of Lindenwood, where Mr. Brown stated there was opposition, if you recall?

A I can't recall that.

MR. GOPSTEIN: Mr. Brown is not a defendant in this lawsuit. Perhaps Mr. Scribner

is. Mr. Brown is not.

THE COURT: He's a functionary of the Board, which is the defendant.

MR. GOPSTEIN: He's not a functionary of the Board at this time, and he wasn't when this lawsuit was commenced. I don't know where he is, now.

THE COURT: But at the time that these statements were made, weren't they made with respect to the Board of Education's decision or undecision?

MR. GOPSTEIN: I don't know if these statements were made. I don't know the contacts. Perhaps Dr. Brown -- if Mr. Todel would subpoena him, would testify to that, rather than receive the hearsay statements ofMr. Selub.

THE COURT: Well, I'll take it on the grounds indicated. What we are trying to find out is whether there was thoughtful discussion of the issue of rezoning, possible rezoning of Franklin K. Lane . What the discussions were and how they were ended. The demands. I think it is something that we ought to know about, if it is the fact, of course, and Mr. Selub is here to

say so, that the idea of rezoning didn't originate with these plaintiffs, the dates this lawsuit was filed, but it comes on top of a course of discussion, and I don't doubt discussion that was carried on in sincerity and with intention on the part of those people involved, however effectively or ineffectively to address themselves to a situation which had given rise to complaints, whether justified or not justified.

For all we know at this stage of the game, as has been suggested on behalf of the Board earlier, the situation of Lane at all times has been the happiest situation that an unhappy City can afford. We don't know that yet. That's part of the issue in the case, I suppose.

MR. GOPSTEIN: I was just trying to suggest, your Honor, that if it's for the purpose of indicating discussions had taken place in regard to the zoning of Lane, certainly that would be admissable. What we have Mr. Selub testifying to certain specific statements made by parties not a party to this lawsuit out of court. If we are asked to accept them for the truth of those statements --

THE COURT: No, I think we are being asked to accept them as statements that were made at the time by people who had the offices that they had.

Now, whether or not there was actually a Woodhaven opposition, or whether that was something that was thrown in to end the day's discussion is quite another matter. We hear a great deal of that kind of talk at all levels of society of people who undertake to speak for large segments. That's one of the plagues on the edge, the swat zone spokesman for an area or the swat zone faithful reporter for an area who in fact doesn't know what he's talking about and has no authority and no expertise and no testimonial qualifications whatsoever.

MR. GOPSTEIN: Your Honor, I would like to still record my objection.

THE COURT: Yes, you certainly have made it plain.

MR. TODEL: No further questions of this witness, your Honor.

CROSS-EXAMINATION

BY MR. GOPSTEIN:

Q Mr. Selub, are you familiar with the method

of which the Board of Education allocates resources to the high schools, the formulas used?

A In a general way.

THE COURT: What did you call them, resource allocations formulae?

Q I don't know if that's the technical phrase, but that's technically what these formulae are.

A Are you referring to resources in terms of zoning or referring to resources in terms of allotments on --

Q In structural resources equipment, supplies, teachers, additional programs.

THE COURT: That's construction equipment.

Q Not construction, but, rather, I'll restate it.

The allocation of teachers and programs to schools.

A I would say I understand it about as well as most principals do, which is not to say, much. I can answer questions on it in a reasonable fashion.

Q Within your understanding of these formulas, what would you say is your impression as to how well Franklin K. Lane fares, compared to other high schools in the area?

A That's a very complicated question because -- there is a dispute amongst the principals --

MR. TODEL: I don't know if this would be

proper cross-examination.

THE COURT: It's not unanticipated, because if you will recall, back in May, Mr. Mara made it clear to us that in view of Mr. Selub's earlier testimony, particularly his testimony with respect to the use of what you might call making a sort of college readiness in-plant through the use of special programs, that he thought that one of the crying needs of the school was to have access on an almost-schoolwide basis to those special aid programs, which in other -- and as he would put it, better treated schools in terms of zoning the special aid programs for the college-bound, would be adequately provided, if provided for a simply minor percentage of the students, since the student body as a whole would find its academic preparations through the regular course of high school study adequate to their college-bound needs, but that what you needed in Franklin K. Lane was an extension to the whole high school, practically of the college-bound type of special programming and special guidance assistance, and so on. Did I catch the message?

THE WITNESS: Yes.

THE COURT: That I think is where you and I have not been formally introduced yet. Make sure I pronounce it correctly.

MR. GOPSTEIN: Gopstein.

THE COURT: Gopstein as in Gopstein.

MR. GOPSTEIN: It's not that complicated. Sometimes I have to spell it.

CROSS-EXAMINATION (continuing)

BY MR. GOPSTEIN:

Q Mr. Selub, let us take the area of guidance services. Do you think that guidance services are important to the future success of students?

A Yes, I do.

Q Do you have any idea what the ratio in Lane High School of the number of pupils per guidance service is?

THE COURT: I didn't grasp the question.

MR. GOPSTEIN: I was asking Mr. Selub what he thought the ratio was between -- in effect, how many students are serviced by one guidance counselor?

THE WITNESS: I'll tell you exactly what we have, instead of giving you a percentage. We have three guidance counselors for the college-

bound students, which means one per hundred for a group of 300 students, that's Federally funded and provided to us under the college-bound program.

THE COURT: Now, that's for 300 college-bound.

THE WITNESS: Three groups of 100 a freshman group, junior group and a senior group. I know that we don't have all four classes.

BY MR. GOPSTEIN:

Q Are you aware --

A I didn't complete the answer.

Then there is one guidance counselor for a special program which was called Toward Upward Mobility, and it was to have been cancelled out, and was restored to us under another line, we still use the term, Towards Upward Mobility.

Q Mr. Selub, I understand that you can itemize.

A There was just three more to go. The remaining three or four to be divided among the remaining 4600 students.

Q I'mmot interested at this point in how they are utilized in the school, but as to their ratio, as to the number of students.

A That is not fair. Three are assigned to a small group of 100, one is assigned to another group of 100 and the last

three are --

THE COURT: You said three or four?

THE WITNESS: Three four groups.

THE COURT: You said three or four for the rest --

THE WITNESS: Three for the remaining 400.

BY MR. GOPSTEIN:

Q Mr. Selub, do you have any idea how the ratio of guidance services compared to other high schools in the citywide average?

A No, not really.

Q Are you aware that citywide average of ratio of students per guidance service commissioned for the year 1971 was 190 in the average high school, and in Lane High School 151, one guidance -- 151 in Lane for the year 1971 and 190 for the citywide average.

Were you aware of those figures?

A You are asking several different kinds of questions. You are talking about the Board of Education's allocation to what they call guidance position, which includes --

Q Mr. Selub, I'm using figures as they are used, since you are -- presumably you are familiar with that terminology.

MR. TODEL: I object to any argument. If

Mr. Selub can answer the question, let him answer it to the best of his ability.

MR. GOPSTEIN: If he's not aware of that particular ratio, let him say so. This is the ratio which I'm reading from the official statistics of the Board of Education from the year 1971.

THE WITNESS:Mr. Gopstein, this document from which the profile of schools was issued for the first time to bring knowledge at that time, so it isn't something that had been going on for a long time. It has been highly criticized by high school principals --

BY MR. GOPSTEIN:

Q Please direct yourself to the question right now.

THE COURT: I think the question doesn't give me any information at all, unless I know what guidance service means.

MR. GOPSTEIN: WEll, your Honor, we certainly intend to go into that on the direct examination with other witnesses, but I want to see whether Mr. Selub, who is testifying regarding the services in the school, is

aware of how they compare to other schools in some critical function, such as the provision for guidance personnel.

THE COURT: Now wait a minute. You see, that would be 20 some-odd people Citywide, and at Lane it would mean 30-odd people, since there were either 46 or 4900 students. If the ratio is 1 to 151, that means about 30 guidance people, so the number of less than 30 guidance people is without significance to me. IF you don't read that part of the table which identifies what the guidance service personnel is considered to embrace, -- it must be in the table, somewheres.

MR. GOPSTEIN: Well, the table itself refers -- the particular format we are talking about, the only particular material explaining this for guidance services position including those of the -- I'm reading now, this is from the 1970-71 school profiles, today academic and vocational high schools. Page IX, and this is part of the description of the formulas for the allocations for all positions for the high schools, 1971-1972.

Part A is basic, teacher allotment; part B is guidance and services; and subheading under that reads, For Guidance Services. Positions including those of the licensed guidance counselors are as follows, then the Board explains formulas by which guidance positions, guidance counselors and other people who serve in the guidance position are allocated to schools.

THE COURT: Who are they?

MR. GOPSTEIN: Guidance counselors are licensed after competitive examination. There can also be other people who may serve in other guidance positions, all of these together are included in this particular formula.

THE COURT: But how do we know who they are so that we know what we are talking about?

MR. GOPSTEIN: I'm not sure what your Honor means. What their function is?

THE COURT: Are we talking about the administrative personnel of the school? Are we talking about teachers who have other roles, or are we talking about guidance counselors, psychiatric consultants, truant officers?

MR. GOPSTEIN: Of course we can elaborate

on that later. I would presume the positions included here are people who perform substantially all of their functions in a guidance position. It does not have to be as such, a guidance counselor.

THE COURT: What you read, it includes --

MR. GOPSTEIN: If a person spent more than five minutes -- a person has within the broad definition, he would be included in this. Obviously special programs give rise to special positions which cannot be characterized. What I was trying to ask Mr. Selub was to see whether he was aware of the number of guidance positions on a proportionate basis, that Lane recieves, as opposed to the average high school. What I wanted to ask you next is whether you are aware the formula as it applies to the City high schools, one such guidance position shall be allocated to each 390 pupils.

THE COURT: One guidance --

MR. GOPSTEIN: For each 390 pupils retarded two years or more. 390 pupils who are retarded two years or more in reading and that for all other pupils, the ratio is one guidance position for 460 pupils.

THE COURT: Now, would that mean as you read that formula, Mr. Gopstein, that you get just a more intense guidance position saturation, it doesn't double up?

In other words, if your whole school were more than two years below standards in reading ability, or whatever you call it, then the whole school would be on a 390 ratio. If you had none, the whole school would be on a 460 ratio?

MR. GOPSTEIN: This is the ratio provided here.

MR. TODEL: If the Court pleases, may I respectfully object to this line of questioning on the basis of the fact I think before this type of questioning should be put to him, we have to establish the reliability of what Mr. Gopstein is reading from.

THE COURT: Mr. Selub is trying to tell us about that and he will, just as soon as I understand what it is being presented to him. Do I understand it right, if you had some dream school where there wasn't a single student in it who was behind level in reading, that the guidance positions would be established in the ratio of one

guidance position for 460 students.

MR. GOPSTEIN: Yes.

THE COURT: Now, if you had the nightmare school at the exact opposite end of the spectrum, in which there wasn't a single student reading at proper achievement level for his average, then the ratio for the school would be one for one guidance position for each 390 students.

MR. GOPSTEIN: On the face of this formula I would say yes, but what I would like to point out first, obviously when we put on witnesses, I will have them explain the formula and perhaps if there is any flexibility.

THE COURT: All I'm interested in is whether the whole school starts out with one for 460 and then gets another for each 390 of underachievers.

MR. GOPSTEIN: I would assume so.

THE COURT: That's a totally different answer.

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MR. GOPSTEIN: The way this formula reads, it says one for every 390 retarded two years or more in reading. I assume you would take the number in the school and give them guidance positions from one to 390, and then it says one

460, simply take the --

THE COURT: Of the remaining pupils?

MR. GOPSTEIN: In that high school, and give it -- and for those, give the one to 460.

THE COURT: That makes it plainer.

MR. GOPSTEIN: I would point out that guidance services, although we are using the index of retardation in reading levels, the guidance services are not directly related to that.

THE COURT: You mean that as symptomatic, rather than --

MR. GOPSTEIN: Even the dream school has a need for guidance facilities, even if they are all on a normal reading level, and I just wanted to as.. Mr. Selub -

THE WITNESS: I didn't get a chance to answer that question.

MR. GOPSTEIN: That was a long question.

THE COURT: Whether he was aware under this formula the guidance positions have been enriched for Franklin K. Lane by reason of the very fact that you mentioned of underachievement in reading level.

THE WITNESS: I'm aware of it, and I think it comes out to a rather insignificant number, because our reading figures don't accurately reflect the situation in the school. The Board goes by the Metropolitan Achievements -- rather, the test that's given in the ninth year.

CROSS-EXAMINATION (continued)

BY MR. GOPSTEIN:

Q Is this the test that you were referring to before?

A I don't understand something you said to me before. You said something about 1 to 151.

Q I was asking you whether you were aware of these figures.

A I'm not aware of that.

Q Are you aware of all the high schools in Brooklyn, Franklin K. Lane has the lowest ratio of students to guidance personnel -- in other words, it has the most enriched guidance personnel, it's the fourth best in the City of New York?

A I'm not aware of that, as you state it.

THE COURT: Fourth highest in the whole City. There is still Manhattan and the Bronx.

MR. GOPSTEIN: From the approximately 60 to

70 academic high schools in the whole City, Franklin K. Lane is the fourth best in terms of the guidance services, in terms of the entire Brooklyn and Queens, I believe it is the best in terms of guidance services.

MR. TODEL: I know we are trying this case without a jury, I hope that the corporation counsel will have a witness who will testify so that he can be cross-examined, because these are statements made and heard and read from a book.

MR. GOPSTEIN: I only made the statements in reply to the Court's inquiry as to the meaning of them. Mr. Selub testified, he's an educator, 25 years' standing, he's testified about certain reading scores and tests. I'm reading to him from the documents, how his school performs as opposed to all others. I assume that he should be familiar with it.

THE WITNESS: If you ask me, am I familiar with it and don't give me a chance to explain it, I can't get the facts out.

CROSS-EXAMINATION

BY MR. GOPSTEIN (continued):

Q Mr. Selub, are you familiar with the formula

that the Board of Education uses for allotting basic academic classroom coverage?

A Yes.

Q The number of teaching positions that are allotted, this is aside from any special programs that may be added to any guidance position, just starting points, the number of teaching positions that are allotted to a school, what type of variable is involved, and how does Franklin K. Lane fare on that formula?

A I think you are referring to what last year was a denominator of 32 for some schools and 30 for another.

In other words, the enrollment was divided by 32 and the more favorite school and divided by 30 in schools like Lane.

Q Something roughly like that from this particular 71.

A I don't know if you are asking this question or not, but there is also an academic index.

Q Let's stick to this particular index first. The index thatI imagine that you refer to, it does seem a slight difference, here it's slightly the same, 1971 two-year -- I'm just reading it to make it clear.

Page eight, "for pupils retarded two or more years in reading, a teacher allottment has been based on an

average class of 29.5 and for all other pupils, allottments have been made for 31.5,"so I presume this is the type of ratio that you were talking about before?

A Except that those are the 70-71.

Q That formula is for '71-'72.

Now, are you familiar with a formula that is kept by the Board of Education?

THE COURT: You told us that much, but have you told us what the ratio at Franklin K. Lane is, or is that irrelevant?

MR. GOPSTEIN: We are leading into it now.

THE COURT: Oh, I see.

BY MR. GOPSTEIN:

Q Are you aware, Mr. Selub, of an index of services to the high schools which is called the Ratio on Pupils to Teachers per Subject?

A I imagine if I had the data in front of me, I would say I am familiar.

Q Not the data, the purpose of such a ratio?

A I know that these figures exist.

Q I'm not asking whether the figures exist. I'm asking you whether you are familiar with that particular index that is kept, and what it means?

A No, I think maybe --

Q Do you know that this particular ratio is one way which the Board of Education attempts to figure out exactly how many teachers are provided, using the actual number of subjects that are taken in the school.

In other words, not just overall teacher figure but geared to the actual subjects taken, fewer or lesser and this is why the ratio is called --

A I never heard --

THE COURT: In other words, that would be something that would turn up differences between the size of music classes and mechanical drawing classes, or Latin.

MR. GOPSTEIN: Or it might turn up differences more importantly, your Honor, it would account for the fact that in some schools, the average number of subject periods taken by students is a little higher than in other schools. In other words, if we were to take just the pupil-teacher ratio, it would not account for the fact that you may have more teachers in a particular school because perhaps more subjects are taken; this is all above the minimum. We are talking all above the minimum in a school where students take slightly fewer subject periods, you would

need slightly fewer teachers, therefore this ratio is considered as a crucial one, because it gears the actual teaching personnel available to the actual number of classes taken by students and I'm asking Mr. Selub whether he's aware of how Franklin K. Lane fares on that index of services.

THE WITNESS: I have an approximate notion; it's about five point something.

BY MR. GOPSTEIN:

Q I'm not asking you --

A How we relate to --

Q I didn't ask you about the average number of subjects.

Are you aware that the Citywide average on this ratio of pupils to teachers per subject period is 25, and that the ratio at Franklin K. Lane is 23.3?

THE COURT: The Citywide -- say that again?

Q The Citywide average is 25. In other words, 25 pupils to a teacher per subject, so if you went into any average class, this is what you would find in that subject period. You have 25 pupils to that one teacher, and that the average in Lane is 23.3, substantially lower, not characterizing.

MR. TODEL: May we have what page you are reading from?

MR. GOPSTEIN: On page 193, 194 of this high school profile. Again, a ratio that is kept very often instead of a pupil-teacher ratio but geared towards per subject per period if we walk into any average class in Lane, as opposed to any average class in the City, this is why this ratio was devised.

BY MR. GOPSTEIN:

Q Are you aware of an index, another index that is kept by the Board of Education that is called the Cost per Subject?

A I have read all the statistics in here. When you say aware, do you mean do I recall them? I don't recall them; or where we stand the answer to that is no.

Q Are you familiar with what this index is supposed to denote?

A One of the things it denotes is the cost of teachers' salary in there, and these things vary according to school in terms of how many regulars you have of long standing, how many substitutes. There are so many factors in there, it's hardly a meaningful figure.

Q This figure which the Board of Education

apparently includes in their official record, I assume some meaning is devised.

Just to state it a little more accurately, by dividing the per capita expenditure taking the per capita expenditure and divide it by the average student subject.

THE COURT: This is by average student?

MR. GOPSTEIN: The cost per subject period.

MR. TODEL: If the Court please, I don't know specific points where he's referring to, or what particular page, if there [illegible]age, and what he is defining here for t[illegible]ord.

MR. GOPSTEIN: I'll gladly -- the cost per subject period, I think you can find it on page 196 and 197.

MR. TODEL: And the definition of what you said?

MR. GOPSTEIN: The definition, we take the per capita expenditure per student, now we perhaps could sidetrack --

MR. TODEL: Now my question is, you are testifying here. I want to know from what documents you get your information, with reference to cost?

MR. GOPSTEIN: The document I told you

is 196-197.

MR. TODEL: I want to know the definition.

MR. GOPSTEIN: On the definition, your Honor, I'm not sure where in the definition -- this cannot be found -- if I cannot find it I can have somebody testify. The results of such an index are clearly indicated in this study, if this particular index has not been defined, it's obviously an omission. Idon't want to spend the Court's time looking for it. I have inquired into it. The results of it are listed in the back of the book, and I would like to ask Mr. Selub whether on this cost per subject period index, whether you aware, again, that the City average for both tax levy and reimbursible is $135 and for Franklin K. Lane it's $139?

THE WITNESS: No, I am not aware of that.

THE COURT: What do you suppose that means?

MR. GOPSTEIN: Excuse me?

THE COURT: That's not the cost of conducting a class for a class period; is it?

MR. GOPSTEIN: Well --

THE COURT: Or is it per student or per class, or what?

MR. GOPSTEIN: I would imagine it's per class for the per student. Since we take the average expenditure per student and divide it by the average number of subject classes which that student takes, so if for example a school spends $600 per student, -- if an average student was to take five periods a day, then it would be $120 per subject period.

THE WITNESS: For the term, for the year?

MR. GOPSTEIN: For the year, I presume, yes.

THE COURT: In other words, what we are talking about is, what do we think the overall cost of high school per student is?

MR. GOPSTEIN: It's one more -- perhaps--

THE COURT: Is it in the order of $3,000, $500, what?

MR. GOPSTEIN: You mean per student? Per student, the figures for that, we have per capita figures, and again I of course don't want to testify to it, but this is in the book. We could certainly introduce that. There is a figure called per capita budgeted costs, this can include -- this was broken down into the direction instructional cost and plant operations. The

direction instructoral costs are further divided into personal service, total salaries of staff, things of that sort, so we have basically staff salaries and supplies and plant operations would be custodial, both of them together would be the total expenditure of the school divided by the number of students, whichwould be the per capita expenditure. Again figures are available.

THE COURT: All I'm interested in is trying to find out -- what are the directional costs per capita for a year -- for the year you have there?

MR. GOPSTEIN: What this really means, it's sort of an abstract figure, it's a revealing one to take that one student --

THE COURT: But all I ask is what is the overall directional instructional per student per year in the school system, for the year you have there?

MR. GOPSTEIN: Well, these figures are -- may I explain something, your Honor?

The reason why I have asked Mr. Selub about this particular index, even though I realize it seems somewhat complicated --

THE COURT: It doesn't seem complicated at all, but the idea is to try to get to something so I'll know about where I am.

MR. GOPSTEIN: I've selected this index-- again, the Board of Education --

THE COURT: Because it shows an intensification of instructural cost at Franklin K. Lane by subject, that's perfectly apparent, and it's one of two or three or four percent, something like that.

THE WITNESS: There is a figure in each of the profiles that gives the per capita cost.

MR. GOPSTEIN: For each of these particular types of services and --

THE COURT: Also,it's a well-guarded secret, up to this point, despite fourteen questions.

MR. GOPSTEIN: If your Honor wishes me to explain, I would like to do it through my own witnesses. I fully understand them, of course.

THE COURT: All I want to know -- I have five children, I am familiar with cost and parochial high schools and parochial grade schools and various universities. All I want to know is, what are we talking about for the

City of New York, something comparable to what it costs my daughter to go to the University of Pennsylvania for a year, or what? We hear that it costs $7,000 a year to keep a man in jail. What I'm talking about is, what are we talking about in terms of keeping a child in Franklin K. Lane for a year?

MR. GOPSTEIN: These figures, the instructional costs, there is a per capita figure. I wish to explain it.

THE COURT: I don't know how I can make my wishes any plainer.

MR. GOPSTEIN: The figure that your Honor is seeking, I believe is a very misleading figure. You cannot simply say, this is the tuition cost. Even a tuition cost is not the figure for educating a person in the same way. Some of these figures -- there is a personal service direction instructional -- in other words, teachers' salary divided by the number of students. At Lane, for example, it would be $754 per student.

THE COURT: All right. Now, that gives me what I want.

MR. GOPSTEIN: Now, to explain that.

THE COURT; That's teachers' compensation divided by school registration.

MR. GOPSTEIN: By number of students.

THE COURT: By the registrants and is equalled --

MR. GOPSTEIN: To $754. This is everything combined.

THE COURT: That's tax levy.

MR. GOPSTEIN: Tax levy and reimbursements.

THE COURT: $754. That gives me a figure-- what we have been talking about for four or five subjects, gives some very crude idea of what we are talking about.

MR. GOPSTEIN: That figure, your Honor, that figure for the past school year, this has not been compiled yet; it's $838.

THE COURT: I'm sure of that.

MR. GOPSTEIN: That figure includes the fact that because of a higher number of subject periods in the school, some schools will simply have more teachers. This is why the Board of Education then introduces the further index of subject periods related to the individual student, rather than the school as a whole.

THE COURT: If you are going to have a lot of students, or a relatively high number of students who insist on taking calculus, it will go up.

MR. GOPSTEIN: You have to have more teachers. Although the average class size might still be quite large.

CROSS-EXAMINATION (continued):

BY MR. GOPSTEIN:

Q Mr. Selub, are you familiar with another index that is called the experience index of teachers, which indicates the percent of teachers who have more than five years' experience in the school? Were you aware that such an index is now being kept?

A Yes, I guess I was aware of it.

Q Were you aware that for the past school year comparing Franklin K. Lane to all Title I Schools, that the percentage of teachers in Franklin K. Lane with five or more years' experience were 70 percent of the faculty, and in all other --

THE COURT: Wait a minute, that's five years plus -- 70 percent?

MR. GOPSTEIN: Seventy percent. And compared to all other schools in Brooklyn --

THE COURT: All others --

MR. GOPSTEIN: Title I schools.

THE COURT: All Title I schools in Brooklyn, exclusive of F.K.L.?

MR. GOPSTEIN: The average was 62.24 percent.

MR. TODEL: If the Court pleases, I would like to know where these figures are from.

THE COURT: It's from this compilation.

MR. TODEL: It is not. I have it before me.

THE COURT: What page?

MR. GOPSTEIN: This is not from this.

MR. TODEL: The book that he's reading from will show that there are different figures involved, the Citywide was 77.0 and Franklin K. Lane was 67.7 and personal services, 754 for Lane and the rest of the City is $809.

MR. GOPSTEIN: As I explained to your Honor, the reason for that is the reason for the varying average subject per school. When we divide that figure, we get a more accurate figure; that is why that index is kept. The figures that I was reading from this (counsel looking at paper.)

THE WITNESS: What is that compared with?

MR. GOPSTEIN: Title I schools. Schools that I see listed here, for which we have Jefferson, Boys, John J. Eastern District, Bushwick, these other schools which are the Title I schools that you are familiar with. Schools qualified for Title I.

THE COURT: Does that mean schools which receive special Federal aid?

MR. GOPSTEIN: Yes, these are schools that qualify.

THE COURT: Sort of disaster schools.

MR. GOPSTEIN: I wouldn't call them that. Schools that need more help.

THE COURT: If you have to call them that to get the money --

MR. GOPSTEIN: To get the money, you call them worse than disaster schools.

CROSS-EXAMINATION

BY MR. GOPSTEIN:

Q Could I ask you, Mr. Selub, you referred to a meeting that took place last week or very recently. Will you just tell us very briefly whatthe purpose of the meeting was, since I think you indicated that it did not relate to really zoning matters?

A I didn't mean that it didn't relate to zoning matters. I meant that that didn't seem to be the opportune moment to solve that part of the problem. I met with Dr. Scribner, Mr. Anker, Dr. Lester, who is now the head of the high school office, Mr. Dombrow and several other people to discuss the difficulties that we're encountering in Lane, and I asked for relief in a number of directions, some of them dealt with security, others dealt with the problems that grew out of the composition of the student body, and in the course of discussing the problems that grew out of the composition of the student body, namely, the fact that there are --

MR. TODEL: Your Honor --

MR. GOPSTEIN: The reason I ask this, --

THE WITNESS: It was not a zoning meeting.

MR. TODEL: Let him finish his answer.

MR. GOPSTEIN: I'm allowed to limit my question. The reason I asked the question, Mr. Selub, your testimony before indicated some comment that was made in regard to zoning.

Although I think he said the purpose of the meeting was not zoning. I think when a problem is complicated as to the zoning of Lane, we are entitled to have statements made that are done after thorough consideration. I want to

indicate that this meeting dealt with matters very, very different. I don't want to go into that right now.

MR. TODEL: It is the nature of the question -- the way the question was asked, Mr. Selub. Mr. Gopstein opened up a question that is extremely important. I think Mr. Selub has a right to answer.

THE COURT: You can ask him on redirect.

CROSS-EXAMINATION

BY MR. GOPSTEIN (continued):

Q Mr. Selub, do you know what zoning changes were made in Lane High School for 1969-70 year?

A I can't say offhand.

Q Do you recall the skip zoning program that was introduced for the year? Do you remember whether that program in any way affected the district of Lane High School?

A 1969 -- are you talking about the zoning that took place in September, 1969?

Q The zoning that went into effect in September, '69. I'm asking you whether you aware in the Brooklyn part of Lane, High School, what if any changes took place in the Lane zone?

A There were several changes. I would have to refer to

documents.

Q Are you familiar with what the skip zoning program was?

A Yes, students were zoned from within -- from other enclaves to other schools in various other parts of the school.

Q In the case of the Brooklyn High School, most of these enclave students in each such enclave were sent to the Southern High School.

A Some were sent to Grover Cleveland, Richmond Hill, John Adams.

Q So again you don't remember whether Franklin K. Lane was affected by that particular zoning program?

A I don't think that we had anybody skip-zoned to us.

Q I'm asking you whether you had any students in Franklin K. Lane who had formerly attended Franklin K. Lane but were not now in a zone that was skipped out of a zone?

A Once a student is zoned in your school, once you change the zone,you don't --

THE COURT: The question is: Do you know whether or not -- let's call it the zoning situation of Franklin K. Lane -- was affected by having skip zone enclaves cut out of its pre-existing zone.

THE WITNESS: My recollection is that there was also an adjustment to the external border, which in our mind -- I remember correctly was up near Bushwick, there was a change of the border configuration. There may have been changes, even in the enclave of our zone. There was no mark relief as far as I could see; that's my recollection, without any document in front of me.

BY MR. GOPSTEIN:

Q Based on that recollection, would you say that the total effect of any such zoning changes that went into effect in September of '69, whether you would consider them as a result of enclaves or external border changes, whether the total effect was to give Lane a greater part of Brooklyn, the same or a smaller part of Brooklyn?

A Not any considerable difference, if there was a difference.

Q And if there was a difference, in which direction might it have been?

A I don't recall the figures, offhand. I think I have some in my attache case which might indicate at least what the population was. I know this, whatever affect there was on our total registration, whether it was up or down, it did not come

much out of Queens.

Q I'm asking you now whether you are familiar with Brooklyn?

A You can do it simply by subtraction.

Q I'm asking you now whether you are familiar with the Brooklyn zone, since you have spent a great deal of time suggesting things --

MR. TODEL: Objection to the form.

THE COURT: Don't argue. Just ask the question, Mr. Gopstein.

THE WITNESS: If you could make the question more specific. We have a series of maps and overlays, as you know, which ought to show that kind of material. I'm not sure whether it does or not. We have here one that started out with the '65 zone and then has the '70 zone and the '71 zone.

Now, that I take it would refer to a year and zoning, September zoning, but none of these three, as you will see, show any enclaves as I see it.

MR. GOPSTEIN: Fortunately, your Honor, this particular map I had not seen, although I was told something of this type was submitted.

THE COURT: We can arrange, Mr. Gopstein, to keep these on display, if they will materially help us. This one is more complex, and we have to look through it to see whether it shows any skip zones drawn within the external limits of the F.K.L. inclusive border, which I take it would be an index, indication whether or not people had been skipped out of the Lane zone or increasingly skipped out of the Lane zone from one period to the next. I think these borough-wide charts show some of the skip zoning.

MR. GOPSTEIN: Which map is this?

THE COURT: That's a basic borough map with a series of overlays to show the zoning, borough-wide at different dates, and it does -- or typically, proffer instances of skip zoning.

THE COURT: Here's another Grover Cleveland skip zone, Richmond Hills skip zone. Now, Franklin K. Lane external boundary for that year doesn't show any, except we have to look and see whether the one indicated in district 16 was a skip zone made out of the Bushwick and Lane districts, or was wholly one or wholly the other, but in the neighborhood.

CROSS-EXAMINATION (continued)

BY MR. GOPSTEIN:

Q Starting with 1970. Were there any plans that permitted students who were zoned into the Franklin K. Lane district to attend the Brooklyn part, to attend other schools?

A I believe there were. There were options that were granted students in some of our feeder schools. They were given an option to attend one of four or five other schools, strictly limited number of streets, and I never was able to find out how many students that we would have gotten opted for anyplace else. I don't know whether anything ever really took place.

THE COURT: Would that be something that would tend to intensify the problem at F.K.L. or to relieve it?

I suppose that it would help Franklin K. Lane in relieving the off-school population.

MR. GOPSTEIN: It might do that.

THE COURT: But would it worsen its condition by having a tendency to let the cream skim itself off?

MR. GOPSTEIN: I would rather not answer that myself, your Honor, because I believe that explanation of the op admissions program --

I think that one of our witnesses should do that. Since your Honor is suggesting -- I think I should say that the program -- I think by law can only be made available to everyone and the Board of Education in trying to implement the maximum feasible integration must look at students. It must look at high schools.

THE COURT: But I thought the key to optioning out was that -- option to a school where there was less of your minority than in your resident districts. In other words, if you were black and in Lane, you couldn't option to Boys' High, which I guess has a higher concentration of blacks than Lane, but you could option to Tilden, which I expect --

THE WITNESS: I don't remember the figures. I'm sure Mr. Gopstein knows. The names were Midwood --

THE COURT: You could option to a school in which your ethnic classification was at a lower intensification than in the school of your residence, so as to dilute, to enable you to go to a school in which your ethnic representation was more dilute.

MR. GOPSTEIN: And presumably, your Honor, this would help provide a more integrated education to both the students who take the options and for the students in the receiving schools, many of whom until that point, because they lived in a neighborhood that may have been all white, go to schools with anything other than white.

One of the effects of this program was to maximize a minimized education for a great number of people going, and those in the receiving schools.

THE COURT: I think Mr. Selub would say everything is correct except "a very large number of students."

MR. GOPSTEIN: Your Honor, may I say, obviously this is for experts to testify, but if 1,000 students go from the northern part of Brooklyn to the southern part of Brooklyn, and if a school which, before it was 95 percent white is now 70 percent white, I don't think it's very difficult to show that the 70 percent white in that school are also receiving an integrated education, so the op admission effects

both ends of it.

THE COURT:No doubt about it. Not always appreciated.

MR. GOPSTEIN: Perhaps not, but I think -- well -- Mr. Selub --

THE WITNESS: I knew I wouldn't be asked any of the questions I wanted to answer.

MR. GOPSTEIN: I would have been glad to prepare you.

THE COURT: He did say that he did know that the options were granted to students in their districts, but he doesn't know how many were actually affected, or what effect it had on Franklin K. Lane attendance.

THE WITNESS: That is correct. I do know if it was intended to do something about integration, if it did it at the receiving end in the schools to which students opted, it did not do it in Franklin K. Lane, because the percentage of black and Puerto Ricans went up increasingly year after year.

BY MR. GOPSTEIN:

Q Is it true, Mr. Selub, that the percentage may have gone up even though many people were taking --

MR. TODEL: Objection to the form of the question.

THE COURT: I'll take it, since opting out all other things remaining constant was not extended -- could not operate in such a way as to reduce the percentage of others in Franklin K. Lane, suddenly increasing percentage of blacks and steadily reducing the percentage of others, talking black simply to cut through and not stop Puerto Rican, Indian and Oriental, that percentage increase must be due to other demographic factors and could not be relayed to the door, certainly, of opting out.

BY MR. GOPSTEIN:

Q In other words, one other way of putting it, were it not for the op admissions program, the ethnic balance might have tipped more severely than it might have?

A There are other possibilities.

Q I'm suggesting a possibility; I'm not giving an answer.

A You are asking me if that's a possibility. That's a possibility, but I'm not sure if that's what was operative. I think what was operative here to some extent, anyway, because another possibility, the lack of effect upon integrati

of op enrollment, still whites and others fled. I have no reason to believe thatthe op enrollment affected us substantially in terms of numbers; therefore could not affect much in any direction.

THE COURT: Well, we had a number for it. I thought it was in the order of 7 to 800, Franklin K. Lane district pupils, to whom the option was available, as nearly as could be told.

MR. GOPSTEIN: I'm sorry, I didn't hear you.

THE COURT: I thought we had a figure at an earlier stage which had indicated for some one year the option effective some 700 order -- leave out the word "order," some 700-plus children who were potential Franklin K. Lane registrants, but not more than that, and how many of them opted; I forget whether we had any number at all.

MR. GOPSTEIN: I don't have those figures now.

MR. TODEL: I think, your Honor, there are only about 1800 who were able to opt in the borough of Brooklyn. I don't know where you got

the figure 700. It doesn't appear in your order at all. It was only 1800 for the borough of Brooklyn.

MR. GOPSTEIN: I believe that first year was closer to 2200.

THE COURT: We have the breakdown of the options by schools, somewhere in these things.

MR. TODEL: I'll locate it.

MR. GOPSTEIN: Your Honor, are you looking for the ethnic distribution breakdown?

THE COURT: No, the option.

MR. TODEL: Make it Exhibit 3, your Honor.

THE COURT: We'll take a short recess.

(Whereupon, a short recess was had.)

(After recess.)

Tape #4
HLEG/elc

THE COURT: It's something on op admissions but it doesn't -- in Exhibit 5 entitled A Report, 1970 -- A study of the possible changes in the attendance, patterns of Brooklyn's academic high schools and the other part of that, the report on op admissions program, 1969-70. Somewhere in there. Then you found another one-- in the motion papers, again Exhibit 7, showing Franklin K. Lane lost or gained op admissions

minus 155. I'm not clear what year it is. Well, that's projected, and of course, September, 1971, that would have been an exhibit. Most of these exhibits were part of Mr. Anker's affadavit, I think, referred in paragraph 17, Mr. Anker's affadavit of June 15, 1971.

MR. GOPSTEIN: In 1968, I believe.

CROSS-EXAMINATION (continued):

BY MR. GOPSTEIN:

Q In 1968, I believe there was some problems in your school. Since that time has the utilization of your school improved or gotten worse, as far as you know?

A I think there was an up and down in the graph, the utilization rate went down in the spring of 196[illegible]. I think that it stayed down somewhat beginning of the fall of '69, I think that it stayed down somewhat. Beginning of the fall of '69 it varied inbetween. I don't think that there is a significant difference between now and '68.

Q Has the utilization rate of your school now compared to what it was then, has it been the same, approximately higher, or is it lower?

A As against '68?

Q '68, when you had difficulties that you referred to.

A I would say pretty close to the -- may I refer to some figures I have in my case?

Q The figures -- I'm sure we had the same figures. I just wanted --

MR. TODEL: If the Court pleases, we don't have the same figures. I don't have the '71 and '72 figures.

MR. GOPSTEIN: We do have those figures and we brought extra copies for Mr. Selub. I would just read to the Court that in 1968 the utilization was 125 percent; in 1972 the utilization is 111 percent.

THE COURT: Repeat that.

MR. GOPSTEIN: 125 and 111 percent. Were you aware of the differences?

THE WITNESS: 1968 as against the current?

BY MR. GOPSTEIN:

Q The current.

A 1972?

Q Current. In other words, ten percent drop in utilization?

A Perhaps. I know one of the years since I have been there we had been as high as 5400. We are approximately 4900 thousand now.In other words, the board has certain utilization

percentages and I'm not sure exactly what they mean. We are on a single session now. In 1968 we were on an overlap session. We may have had more students in the school, but what if the school was utilized at any particular time of the day for a greater percent than it is now, is open to question.

Q But it is your choice to have the single session?

A Yes.

Q If you wanted to, you could have end to end type of session? In other words, two completely separate schedules, when one is finished the other begins; that would be one way of dealing with a utilization problem, if you felt there was one?

A Yes.

MR. GOPSTEIN: I have no further questions.

REDIRECT EXAMINATION

BY MR. TODEL:

Q Mr. Selub, Mr. Gopstein asked if you could have better utilization if you have an end-to-end program. Explain what an end-to-end program is?

A An end-to-end program is one in which students arrive, half student population arrives for an early session, from eight o'clock to twelve-thirty, and then leaves the school, at which point the other half of the students arrive and go from twelve-thirty, let us say, to five-thirty.

Now, also Mr. Gopstein used the word, he said it would have been your choice, if you wanted a single session. Do you recall him just saying that a few moments ago?

A Yes.

Q Now, will you tell the Court what in your opinion as an educator would be the result if you had an end-to-end session at Franklin K. Lane High School?

A I think for one thing that there would be resistance from the parents of the students, because it would require students to leave the school late. Many of them would be traveling as much as an hour, certainly a distance of four and a half to five miles, getting home after dark in the late autumn and through the winter. I have had parents say to me they object to that. They don't want their children traveling out in the streets, that time of day.

Q Are these parents white or black?

A Both white and black. The local community is opposed to having the students leaving the school late, and wandering in the community. The parents are objecting to the fact that the students may be subject to violence or other criminal activities. There is a great deal of concern about that, but that's only on the question of security. The creation of end-to-end sessions have to have a deleterious effect on the school program, because students are limited to a six-period

and perhaps a seventh period day. If you have an overlap of the last period, the result is that there academic index drops down in many of these things -- many of the formulae that Mr. Gopstein was referring to would be adversely affected. There wouldn't be as much of a range for the students in their academic subjects, either.

Q Would there be any specific problems within the school itself by having two schools actually in operation, apparently with children coming and going.

A Yes, you have to have a double overhead in terms of office personnel, security personnel in the school. There would be the question of maintaining security after dark or in the afternoon. There is, generally speaking from my experience with the school as it was, a tendency for an increase in cutting, an increase in truancy, especially in the late sessions, because we did already have an overlap session in the school. We went away from that period. Much of our difficulty seems to be in --

Q Would there be any problem in having an end-to-end session?

A Yes, the day would start earlier. We have a zero period at the present time which starts at eight o'clock and attendance is poorer and lateness is greater for that zero period. We have those problems, anyway, even for the regular session

which starts at 20 minutes to nine, and whether the students should do this, should be late or not, is not at issue; the fact is that there are, and with an earlier session starting at eight, we would increase the intensity of the problem of lateness and attendance.

Q You mentioned, and Mr. Gopstein questioned you about it. You mentioned about it and Mr. Gopstein mentioned the meetings you had with Mr. Scribner and Mr. Anker, its related to the whole question of end-to-end, what you call violence and security. Will you tell the Court the substance of this meeting?

A There had been a meeting just prior to that, a week prior to that which had been held at the request of legislators at the Lane Zone, assemblyman Battista and some other local people, block associations who were complaining about violence around the school and in the school, and the result of that meeting, Dr. Scribner called for a second meeting, which would be just a staff meeting, at which he asked me to appear, asked me to present the problems of the school and some suggestions for improvement. As I indicated earlier in my testimony, I divided the problems between the physical problems of safety at the present time, dealing with the violence that was taking place in the school, problems of the school related to the makeup of the student body, and the

problems attendant upon that, things that were in my opinion connected with feeder patterns and zoning.

When I brought up the question of the makeup of the student body, Mr. Dombrow raised the problem of the possibility of changes in feeder pattern, and Dr. Scribner indicated that this was not an appropriate time to go into as complicated a problem as zoning, although Mr. Dombrow had paid attention to it.

I don't say this in degradation of Dr. Scribner; I say it was one of the things that I brought up, one of the things that my superintendent was ready to take up at that meeting, but Dr. Scribner felt that we should deal at that point with certain specifics and that we would have to deal with the zoning problem at some other time.

Q Had you ever discussed with your superior, Mr. Dombrow, the possibility of zoning part of the children who are in the Lane zone to Grover Cleveland?

A Yes, I had mentioned it to him. He indicated that the problem was too complicated in terms of political pressures and community pressures because Grover Cleveland High School had gone through some zoning of its own, previous to this. He indicated he couldn't tackle it at that point, that way.

MR.GOPSTEIN: Objection, I would like to restate my objection to this type of testimony.

If Mr. Todel wants to, these witnesses are available, rather than characterizing.

THE COURT: I'll take the testimony on the basis indicated earlier.

REDIRECT EXAMINATION (continued):

BY MR. TODEL:

Q Mr. Selub, Lane High School has some security and violence problems; is that correct?

A That is correct.

Q And Lane at the present time is going through a substantial building renovation; is that correct?

A Yes.

Q Approximately $4 or $5 million?

A Yes.

Q And are classrooms taken away because of the renovation during the course of the day?

A Yes. We have had to make various switches and doubling students up and finding places where we wouldn't ordinarily move.

Q Are you aware that Grover Cleveland High School had gone through a substantial renovation, such as yours?

A Yes.

Q As a result of that renovation they reduced

a number of black children at Grover Cleveland High School?

A That I was not aware of.

Let me rephrase that. I knew there was a change in the ethnic distribution at Grover Cleveland, but I didn't relate it in any way to the renovation.

Q Now, with reference to certain questions about the resources that Franklin K. Lane has, as compared with the rest of the City, in fact, Franklin K. Lane has, according to your testimony, three guidance counselors for three college-bound students.

A Yes.

Q One for upward mobility students?

A Yes.

Q And three for the balance of the school?

A Yes. We have three appointed guidance counselors. We also --

Q When in response to Mr. Gopstein's reading of the number of pupils per guidance counselor, you questioned this type of statistics because there are many other factors which go into play for personnel that go into guidance?

A Yes.

Q Do you have other people assigned to guidance?

A Yes. As a matter of fact, I couldn't quite understand the statistics that Mr. Gopstein read, because it seemed to me

that there was a misunderstanding. We pulled from our regular allottment -- we are given a certain overhead for administration, we are given a certain number of positions for guidance and then in addition we actually make other adjustments from among the teachers that we have for classrooms to meet our needs. We have great advisors who work on the programming constructing the programs of the students.

We have one per 350, approximately. They are included in the guidance figure.

We have deans of boys and deans of girls, and we have, if I remember correctly, approximately three - - I think we have 3.4 positions that we are using for the dean's office on the boy's side and 3.2 on the girl's side.

We also have additional personnel that we have assigned to the attendance office.

Now, we have had to do these things because our problems are so intense that we have to make the adjustment. I don't believe that Mr. Gopstein is correct in saying that we are assigned a guidance person or a guidance position for every 150-odd students; that's actually the figure that may come out after we have made all our dispositions.

Q Mr. Selub, in other words you had to draw teachers away from teaching?

A That is correct.

Q And did you have a conversation at any time with one of the defendants, Jacob Sacks, with reference to this particular problem?

A First, in answer to your question, the high school office, that is Mr. Sacks, asked Mr. Dombrow to check with me about the number of people I had assigned to non-teaching jobs. I was under criticism for that because -- I pointed out to them that we couldn't operate without pulling these people out of the classroom, and making classes larger, because we had to have the personnel to cover the halls and the dean's offices, and to check on attendance and cutting, but I think as a matter of fact, here in the courtroom last May, Mr. Sacks made some reference to the fact that we could have provided other academic services, remediated services if we hadn't chose to use our personnel.

Q Could you have done that?

A Yes, at the cost of having increased problems in terms of security and in terms of discipline and movement through the school.

Q Have you suggested to the Board of Education, to your superiors, the fact that students from Franklin K. Lane or in the Franklin K. Lane zone, could go to Grover Cleveland High School?

THE COURT: I'm sorry, I didn't hear that

question. Could you repeat it?

(Whereupon the reporter read the question.)

THE WITNESS: I believe I have.

BY MR. TODEL:

Q And that students from the Grover Cleveland zone could come to Franklin K. Lane?

A I had suggested that there could be a zone adjustment, could be explored, which would change the pattern in the ways that your question indicates.

Q And in fact, Mr. Selub, the transportation facilities in the area, Franklin K. Lane zone and Grover Cleveland Zone and Richmond Hills zone and John Adams zone, are good as far as transportation for students?

A I would certainly say that we are on the same transportation line as Richmond Hills, buses that service our school continue north and south, north towards Grover Cleveland, south towards Adams.

Q And there is a DeKalb Avenue busline that goes directly in front of Grover Cleveland?

A That comes right through our zone in the west.

Q And there is also a busline which goes through Glendale, Crescent Avenue busline, which goes through Glendale right through the park?

A That's correct, to my knowledge.

Q There is also the Triborough Bus Company that could come through the park from Glendale?

A I'm not too certain about that. I'm not too familiar with that.

Q Just one further question. Just so the Court could have a feeling for the problems that you have.

Do you know, for example, the various feeder schools that feed into Franklin K. Lane High School?

A Yes. There is a considerable list, including those -- very small numbers, a list that covers almost two columns.

Q Do you know what the reading score level of the children that come to Franklin K. Lane from these feeder schools are?

A I have a very good idea, because a recent list, a list was recently published in the New York Times, rating in the city, and we checked our principal feeder schools on that list and they come almost entirely from the very bottom of that list.

For instance, one of the schools, I.S. 55, which feeds us over 100 students, is at the very bottom of that list. The figure that 4 percent, 4.5 percent, is of the students at I.S. 55, read at or above grade level, 95.5 read below school level. I.S. 51, feeds us over 100, has a reading -- reading ranging 6.5 of the students read at or above grade

level, the remainder are below. We have one school from Queens that feeds, I think High School 210, Queens, ranging of that school is 34 percent at or above; that's the average they feed us; something like 90 students, and even there I'm not certain -- with the others I'm certain where there is 4.5 percent of the students are at or above the grade level, we can't possibly get very many that can read above grade level.

In Junior High School 210, Queens, it's possible that we are getting some that are in the above grade level group, and it's possible that we are getting them below, or a fair mixture of the two.

Overall I would say that that list indicates very clearly one of the fundamental problems of the school that is, that it has not only a huge ninth year, which in and of itself is larger than most junior high schools, entire junior high schools.

Q Do you know what the figures are for September of 1972?

A For the ninth year?

Q For the ninth year.

A We received something like 1500 and we retained something like 400. We have over 1900 ninth-year students and that is, to my knowledge, the largest ninth-year group of any

school in the City, and the vast majority of these students come from schools which are at the very bottom of the reading range. We know from our own testing that they are below minimum competency, so we have not only a problem, but a problem of such magnitude, it's unreasonable to imagine that we can handle it. It's just too many with problems that are too intense.

MR. TODEL: I have no further questions.

MR. GOPSTEIN: I have no further questions.

THE COURT: You may step down.

MR. TODEL: I'll call Mr. Saltzman.

H A R O L D S A L T Z M A N, called as a witness, having been duly sworn by the Clerk of the Court, assumed the witness stand and testified as follows:

DIRECT EXAMINATION

BY MR. TODEL:

Q Mr. Saltzman, by whom are you employed?

A New York City Board of Education.

Q In what capacity?

A I'm a teacher at Franklin K. Lane.

Q How long have you been a teacher in the Board of Education?

A Since 1959, 12 years.

Q And how long have you been at teaching at Franklin K. Lane High School?

A Since February of 1961.

Q And you are still teaching at Franklin K. Lane?

A Yes, I am.

Q During the course of your employment as a teacher at Franklin K. Lane High School, did you have any other responsibility at sometime or other?

A Yes, 1964 I was President of the Teachers' Council of the School.

Q What is the Teachers' Council?

A Teachers' Council was the legislative representative body.

Q During the course of your being president of the Teachers' Council, did you have conversations with representatives of the Board of Education? Yes or no?

A Yes.

THE COURT: What year was this?

THE WITNESS: 1964.

Q And specifically, with whom did you have conversations?

A We had meetings with the principal of Lane High School.

Q Who was the principal at that time?

A James J. O'Connell.

Q And who else?

A There were meetings with Dorothy Bonowit, she is now deceased.

Q Who was Dorothy Bonowit?

A She was the Queens High School field superintendent who was Mr. O'Connell's immediate superior.

Q You say she was a Queens High School --

A Lane was administered as a Queens high school, in those days.

Q That was in 1964?

A Yes.

Q Did it receive students from Queens at that particular time in 1964?

A Yes, it did.

Q What sections of Queens?

A In primarily Woodhaven, but also Ridgewood, Glendale, Richmond Hills, Kew Gardens and Ozone Park and Lindenwood.

Q Did you have any conversations with anyone else in the Board of Education in 1964?

A There were meetings that had been set up with Mr. O'Connell, the former principal, the late Mrs. Bonowit, Carl Golden, who was then UFT Chairman in the school, and assistant superintendent Gerald Landers. A study was made by the Teachers' Committee, 1964 and early '65, entitled Statement of Problem and Nature of Complaint, in which the Committee did an investigation of the zoning of the school, the feeder patterns, and pointed out that the peculiar way that Lane had been zoned would lead to resegregation of the school.

Q When you started to work at Franklin K. Lane in 1961, about what percentage of the students were black and Puerto Rican, and what percentage were white?

A In 1960, the ethnic balance was 76 percent white. In 1964 it had dropped some 23 percent, because of zoning changes that had been put in there, and it was down to 51 percent.

THE COURT: 51?

MR. GOPSTEIN: Objection, your Honor.

The witness can testify best to the ethnic figures when we start to attribute it -- I don't believe we have any basis for it.

THE COURT: Do we have them anywhere in the record?

MR. GOPSTEIN: I don't know if we have it that far back.

MR. TODEL: In the record, we do have from '61.

MR. GOPSTEIN: I'm just objecting to the fact that the witness has attributed these changes to particular causes.

THE COURT: Yes. I don't think we have the zoning that far back, do we?

MR. TODEL: No, we don't.

MR. GOPSTEIN: So, your Honor, I request that be stricken.

THE COURT: He is testifying from recollection, as I understand it, that they were drawing students from the main communities in Queens, and he's named half a dozen communities in Queens, Richmond Hill, Woodhaven. What others?

THE WITNESS: Ozone Park, Glendale and Ridgewood.

BY MR. TODEL:

Q And your conversationwith Mrs. Bonowit or the

principal of the school, what did you say to themwith reference to zoning?

Tape #5
HLEG/elc

A We indicated back in 1964 that unless changes in the zoning were implemented, Lane would very soon be a reversely segregated school, because an increasing number of youngsters with severe educational handicaps -- the previous witness testified had been coming into the school, and if that pattern continued, we would end up with a segregated school.

Q Did you make any recommendations to the Board of Education?

A Yes, we did. We recommended, we laid out transportation guides back in 1964 and early '65, in which we indicated how eash it would be for moderate zoning changes to be made.

Q What moderate zoning changes?

A We recommended that students in the extreme western half of the zone in Brooklyn could be zoned to other schools in Brooklyn, and we recommended that students in areas such as Glendale and Ozone Park and Richmond Hill could very easily be zoned to Lane.

Q Did you make any recommendations with reference to Queens?

A Yes, we did. We recommended that students had previously lived -- what had been the John Adams - Grover Cleveland area could be zoned to Lane.

Q After 1965, did you have any conversation with anyone in the Board of Education?

A There were ongoing discussions through '65, '66 with Assistant Superintendent Elizabeth O'Daley. In 1966, the high schools were decentralized for a few years, and Lane was put into District 19, and Elizabeth C. O'Daley was the District Superintendent, and at the same time I was the UnitedFederation of Teachers representative for District 19, and I met with Miss O'Daley very frequently, discussing the matter of zoning with Lane High School.

Q And was the zone of Lane High School changed in any fashion?

A No, it was not.

Q Now, you heard some testimony earlier with reference to possible rezoning in 1969?

A Yes.

Q When Mr. Selub was being questioned about that?

A Yes, I did.

Q Can you tell the Court and help the Court and myself, in terms of explaining what occurred then?

A In 1968, when I became Chairman, one of my first duties was to notify the State Department of what was happening at Lane because of the peculiar way the zone was drawn, and I received a response from his assistant, Mrs. Swinger, she had

investigated the situation and assured me this was only temporary, and indeed a State finance studyof Brooklyn zoning was being undertaken by the Board of Education, and that she assured me in her letter of July,1968.

MR. GOPSTEIN: Your Honor, could we have an objection?

Your Honor could -- we are constantly getting statements -- letters -- they are not being introduced. Can't we have these letters introduced? I think this is entirely improper.

THE COURT: Yes, I would think.

MR. TODEL: May we have this marked Plaintiff's Exhibit 2?

THE CLERK: So marked.

MR. TODEL: For identification.

THE CLERK: For identification, Plaintiff's Exhibit 2.

(So marked.)

MR. GOPSTEIN: Do you have a copy of that?

MR. TODEL: I'll have one available for you.

DIRECT EXAMINATION

BY MR. TODEL (continued):

Q I show you Plaintiff's Exhibit 2, and ask you if you know what this is?

A Yes, I do.

Q Tell the Court.

A This is a letter to me dated July 3, 1968, from Mrs. Esther M. Swanger, assistant to the Deputy Commissioner of the State of New York.

Q And is this the letter which they refer to the State Finance Study of Brooklyn schools?

A Yes, the State had funded a zoning study of State integration of the high schools in Brooklyn.

MR. TODEL: At this time the Plaintiff offers in evidence Plaintiff's Exhibit 2.

MR. GOPSTEIN: Can I have a chance to read it?

THE COURT: I think that relates to what I referred to before; that's Exhibit 5.

MR. GOPSTEIN: Your Honor, I object to the introduction of this letter because there are references in the letter to statements which Mr. Saltzman apparently made; also by letter, in which Mrs. Swanger agrees to things that he had said.

I have no idea what he said to her in the letter. I cannot question her as to the basis of these decisions. I cannot have this produced as to the truth of the matter when

Mrs. Swanger is not here, except to indicate that there was communication between Mr. Saltzman and some other official, except to express his concern as to other matters.

MR. TODEL: If the Court pleases, I will introduce, and the purpose of this witness is to show a knowledge on the part of the Board of Education. I will introduce this letter for the purpose of showing knowledge, not only to the Board of Education but also the State Department of Education, as to problems at Lane without going into the specifics of the letter.

MR. GOPSTEIN: Just to indicate that they were aware that some people were concerned about zoning at Lane High School.

MR. TODEL: And also, the Commissioner was concerned, since they ordered a State fund survey which his Honor pointed out, it's hour Exhibit 5 attached to your moving papers.

THE COURT: Well, that I am not too clear about, and maybe this is a point at which it can be made clear, because Mr. Thorn signed it, or at least signed the covering letter, and that is, it identifies the Exhibit 5 from the affadavit

as the result of an extension of a study, New York State funded, in the interests of improving the attendance patterns in the academic high schools.I was never clear as to whether this is the study of the use of the word, extension, whether that's like extended, or what it is.

MR. TODEL: This is one of the things that I have been unable to learn, your Honor, and I think it will be brought out later on, possibly through another witness, as to what that report you have as Exhibit 5 really is. And as I state with reference to this Exhibit, Plaintiff's Exhibit 2, it's really being introduced to show on the part of the plaintiff, the knowledge of the State Department of Education as to the facts that zoning -- there was a need for rezoning in the Lane situation.

MR. GOPSTEIN: I don't know, your Honor. Obviously the letter is here. I don't know if we can take it without further testimony from the person who wrote the letter. This is in response to Mr. Saltzman's inquiry. We don't know what was being stated, to merely say yes, we are aware of it, we are concerned. Much more is

obviously being implied.

THE COURT: I don't see how it will help us, really, that the State Commissioner of Education knew what was going on, and that people were unhappy. I am sure we can take it for granted --

MR. TODEL: Your Honor, I recognize the basis of my getting this in, and I did not offer it, but since counsel had asked for it and I wanted to show we did have the letter, let Mr. Saltzman -- I understand the problem of introducing that, sinceMr. Gopstein requested the letter.

MR. GOPSTEIN: The verbal testimony of Mr. Saltzman is deficient, twice as much. He made single references without the letter being there. I think the same objection also applies to that.

THE COURT: Let's move along.

DIRECT EXAMINATION

BY MR. TODEL (continued):

Q Mr. Saltzman, in 1969, you were going to testify with reference to any possible zoning changes which did occur, namely, with reference to some of the questions which

were put to Mr. Selub. Do you recall that?

A Yes.

Q Now, will you tell the Court what did occur?

A Well, there were two zoning changes made to Franklin K. Lane in 1969, one zoning change removed a white section of the zone in Queens, the Forest House, the Forest Park Houses Coop located on Woodhaven Boulevard in Queens, had always been in the Lane zone, had been removed, and the youngsters who formerly came to Lane from that area were changed to Richmond Hills High School, further in Queens.

At the same time, there was a temporary change in which graduates of I.S.271 in Brooklyn, graduating class of 1969, were divided up among various receiver schools, but in fact when we checked the records later in the year, we found that in spite of that change, most of the youngsters from 271 had indeed either registered in Lane, or had transferred to Lane later in the year.

Q And that was only for that one year in 1969, when they were permitted to do that?

A Yes.

THE COURT: I did not quite understand the I.S. 271 part of it.

THE WITNESS: Maybe I can make that a little clearer. One of our major feeder schools

is I.S. 271, which had been the Oceanville-Brownsville School in 1969, instead of entire graduating class of about 450 youngsters coming to Lane, that graduating class was divided up, about 150 of those youngsters did come to Lane and about 300 were assigned to other receiver schools. That was a one-year thing.

In fact, however, when we checked the records of transfers, the permanent records of our ninth-grade transfers from our schools, we found that a large number of those youngsters who had been assigned to other schools did in fact come to Lane, either the very beginning of the term or transferred into Lane at some point after the beginning of the semester in September and October of 1969.

BY MR. TODEL:

Q In the spring of 1969, did your Board of Education have any plans that you were aware of for the rezoning of Lane district?

A Yes, we had met with the then executive director, superintendent of schools, Nathan Brown, and we had impressed upon Dr. Brown the importance of zoning issue at Lane being resolved, once and for all, and he agreed with teachers and

We indicated back in 1964 that unless changes in the zoning were implimented Lane would very soon be a reversely segregated school because an increasing number of youngsters with severe educational handicap -- the previous witness testified had been coming into the school and if that pattern continued we would end up with a segregated school.

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Q In the spring of 1969 did the Board of Education have any plans that you were made aware of for the rezoning of Lane district?

A Yes, we had met with the then executive director superintendent of schools Nathan Brown and we had impressed upon Dr. Brown the importance of zoning issue at Lane being resolved once and for all, and he agreed with teachers and parents that he had met with that a change should be implemented and that the Lane zone had to be corrected to shorten its extension on the Brooklyn side and to extend it a little further into Queens to provide racial balance at the school.

Q Was there any discussion with Mr. Brown with reference to what part of Queens would be zoned into?

A The plan that Mr. Brown proposed was an extension of Ozone Park, Lindenwood section of Queens which is contiguous with the Woodhaven section of Queens.

Q And did that plan go into effect?

A That plan did not go into effect.

THE COURT: Would you say would have been contiguous to Woodhaven.

THE WITNESS: Yes.

THE COURT: Which at that time was part of the Lane zone.

THE WITNESS: Yes, your honor.

Q Were you advised by Mr. Brown as to why the

Board of Education did not put this plan into effect?

A Yes, I was. Dr. Brown tells us in writing because of the pressures that had been exerted in those areas, political pressures, that he could not --

MR. GOFSTEIN: Your honor, could we have the document in writing, especially since the witness has testified that there is a written document.

THE COURT: Yes.

MR. TODEL: Mark this.

THE COURT: Plaintiff's exhibit 3 for identification, so marked.

Q I show you plaintiff's exhibit 3 for identification and ask you what this is?

A This is a letter from me dated May 13, 1969.

THE COURT: To.

THE WITNESS: Addressed to me in my capacity as the United Federation of Teachers chapter chairman of Franklin K. Lane from Nathan Brown.

THE COURT: What was the date.

MR. TODEL: May 13, 1969.

I offer this in evidence.

MR. GOFSTEIN: Your honor, again there is a

reference in that letter to a telegram that was sent by Mr. Saltzman to Dr. Brown which he is replying to understand this letter. We have to know what it's replying to.

Q Mr. Saltzman, do you recall a telegram that was sent?

A Yes.

Q Will you tell the court about that?

A The telegram announced that the teachers at Franklin K. Lane high school supported the proposed zoning plan of Dr. Brown and that we urged him to go ahead with the plan that he had proposed and set forth.

MR. GOFSTEIN: Again your honor my continuing objection to introducing documents whereby former superintendent speaks presumably for the record without him being there. I think this is improper. If they are trying to indicate a possession of Dr. Brown he should have been subpoenaed to testify and explain rather than present what could be a very selected group of correspondence and recollections as to an issue that may be of some importance.

THE COURT: Well, I don't quite see how we could ever try laws if you couldn't introduce

a letter without having both the writer and the recipient testify to it. It will be received. If it's worth being introduced it's worth reading, I suppose. Is this a convenient place to stop for lunch.

MR. TODEL: 2:15.

THE COURT: All right we'll recess until 2:15.

(Whereupon a luncheon recess was had.)

(After luncheon recess.)

THE COURT: All right gentlemen are we ready to proceed.

DIRECT EXAMINATION CONTINUING

BY MR. TODEL:

Q After you had received this letter from a Dr. Brown, Mr. Saltzman, did there come a time when you spoke with Dr. Brown?

A Yes, towards the end of May. It was reported in the press that the Board of Education had decided to drop that zoning plan and I called Dr. Brown as soon as I read about it in the newspapers and I asked him what happened. He became quite angry and indicated that he had been receiving lots of protest letters and telegrams, phone calls from people in Queens who are opposed to the idea

of that plan. As a result of these pressures the Board would not go ahead with it.

MR. TODEL: No further questions of this witness.

THE COURT: I'm not at all sure of that plan that's used in the last answer as very specific. The plans for Franklin K. Lane.

THE WITNESS: That was the plan to extend Lane's zone further into Queens, into the Ozone Park area.

THE COURT: Just for Lane.

THE WITNESS: Yes.

CROSS EXAMINATION BY

MR. GOFSTEIN:

Q Mr. Saltzman, coming up with this plan, tell us again who you consulted with?

A Which planwas that.

Q Which plan have you been talking about?

A The last plan that we have been talking about was the plan that was proposed by Deputy Superintendent Brown, which would have extended the zone further into Queens, into the Ozone Park-Lindenwood section of Queens.

Q I believe you said prior to that that you had had conversation with many other groups too in which

you were suggesting certain changes; is that correct?

A Basically, those were the changes.

Q Presumably you would have wanted to see a change where some students from -- who probably attended Richmond HIll would go to John Adams?

A And Grover Cleveland.

Q In suggesting this plan, did you also suggest, this would mean that Richmond Hill would have now fewer students. Did you also suggest where those students would come from?

A At that time Richmond Hill, Grover Clevelane and John Adams were three of the most severely overcrowded schools in the city.

MR. TODEL: If the court please --

THE COURT: What.

THE WITNESS: Overcrowded.

MR. GOFSTEIN: May we have the time limit here so that the record will be clear with reference to when that plan was.

THE WITNESS: 1969. Richmond Hill and John Adams were both operating on multiple days, annex buildings and Grover Cleveland didn't have an annex but a multiple day but it would relieve those schools to have those youngsters zoned to